Theologia Moralis

Volume IV
On the Sacraments: Penance, the Eucharist, Extreme Unction, and Holy Orders

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(Sancti Alphonsi de Ligorio)

An English translation of the Latin edition
Parisiis (Paris): apud Adrianum Le Clere — editio novissima, cur.
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Note on this translation. This English text was produced by a machine-assisted translation pipeline from an OCR transcription of the source Latin edition. The draft translation was made by a specialised translation model, assisted by a dedicated ecclesiastical-Latin knowledge base which supplied Douay–Rheims wording for Scripture quotations and verified place-names and terminology. It is an unofficial reading aid and has *not* undergone formal scholarly revision; occasional errors will remain, particularly in the dense citation apparatus. Marginal references of the form [*Latin ed. p. N*] indicate the corresponding page of the source edition, for alignment with the original scans. Blank leaves and unreadable pages have been omitted.

[*Latin ed. p. 9*]

THE MORAL THEOLOGY of Saint Alphonsus de Liguori, Founder of the Congregation of the Most Holy Redeemer and formerly Bishop of Saint Agatha of the Goths. Included are: 1. A Dissertation by Father Zachary concerning the death of Saint Alphonsus, in his Theology. 2. A Manual for Confessors for receiving confessions in a more fitting manner. 3. An Examination for those to be ordained. 4. A Summary of the Moral and Canon Law of Benedict XIV. 5. Decrees of the Roman Pontiffs and their application in Moral Theology. 6. An Appendix concerning Privileges. 7. An Appendix concerning the Prohibition of Harmful Books. 8. A Collection of Reformed Questions. 9. An Index of Authors cited in this Work. 10. A General Index. NEW EDITION, THE MOST ACCURATE OF ALL, COMPARED WITH THE VENETIAN, ROMAN, AND BASSANESE EDITIONS, AND CONTAINING EVERYTHING WHICH THE AUTHOR HAS ADDED, REVISED, OR EXPLAINED. Many things omitted in other Editions have been restored, countless citations corrected, many errors of the press corrected, and necessary annotations added, by Father Michael Heilig, of the Congregation of the Most Holy Redeemer, Priest and Professor of Moral Theology. VOLUME FOURTH. In Paris, at the office of Paul Mellier, Publisher, on the street called Tournon, 27. In Paris, Jacques Lecoffre et Ser., on the street called Virul-Colombiens, 39. On the Island, L. Lefort, Printer, on the street called Rsqueamoise. MDCCCLXI.

[*Latin ed. p. 11*]

MORAL THEOLOGY. BOOK SIX, TREATISE III, ON THE EUCHARIST. CHAPTER I, ON THE ESSENCE OF THE EUCHARIST.

QUESTION I. What is the Eucharist? 189

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RESPONSE: It is a sacrament of the Body and Blood of Christ, under the species of bread and wine, instituted by God for the spiritual refreshment of the soul. Thus, generally, the Scholastics. From this, the following resolutions are drawn: 41. Both the consecrated species, and the Body and Blood of Christ, intrinsically and essentially constitute this Sacrament; therefore, it is false that which Waldensis taught, that the Body and Blood of Christ are the whole sacrament. The reason is, firstly, because the Council of Trent

teaches that the Body and Blood are contained in this sacrament; secondly, insofar as they are contained, they are not sensible. Also, it is false that which Marsilius and Thomas IV teach.

[*Latin ed. p. 12*]

Soto maintains that only the species constitute this sacrament; both because the Eucharist is the food of heaven, and because it ought to be adored with adoration, as the Council of Trent teaches. It must be noted that in all the sacraments, three things are distinguished: the sacrament itself, the thing signified, and the sacrament together with the thing signified. The sacrament itself is that which signifies; the thing signified is that which is signified, or the effect of the sacrament; the sacrament and the thing signified together is that which is signified by one thing, and signifies another. But in the sacrament of the Eucharist, the consecrated species alone are the sacrament, which signify only the nourishment of the soul; the thing signified alone is the very nourishment; the thing and the sacrament together is the Body of Christ, which is signified by the species, and which signifies grace. From this arises a great question among Doctors, namely, in what does the essence of the Eucharist consist? There are many opinions, but two are more widely accepted. The first opinion, held by Gonet, Mant, vol. 7, p. 185, Petrocor, vol. 3, p. 291, question 2, and Salm, on the Eucharist, chapter 4, question 2, numbers 48 and 49, along with Soto, Gonzalez, Henry, etc., states that the essence or reason of the sacrament consists solely in the species; the Body of Christ, however, belongs to the sacrament only in a secondary sense, that is, as something externally indicated. They prove this: 1. From the chapter "With Martha," concerning the celebration of Mass, where it is said: "The form (that is, the species) is bread and wine; the truth is the flesh and blood; the power is unity and charity." The first (that is, the species) is the sacrament, and not the thing; the second (that is, the Body of Christ) is the sacrament, and the thing. The third (that is, the effect) is the thing, and not the sacrament. Therefore, since the text says that the species are the sacrament, and distinguishes the sacrament from the thing, and also from the sacrament which is the Body of Christ, it follows (they say) that the entire reason of the sacrament is contained solely in the species. 2. From the decree of the Council of Trent, session 13, canon 1: "If anyone denies that in the most holy Eucharist is truly, really, and substantially contained the Body and Blood of our Lord Jesus Christ, let him be anathema." Therefore, if the Body of Christ is contained in the sacrament, it follows that the species are the sacrament containing the Body of Christ, lest it be said that the Body of Christ is contained in itself.

The second opinion, held by Busemb, Suar, part 42, section 3, Cont. Tourn. on the Eucharist, part 1, chapter 1, article 4, conclusion 2, and also Vasquez, Council of Valencia, etc., apud Salm, number 29, states that the sacrament of the Eucharist consists equally in the species and in the Body

of Christ, in a primary sense. The reason is that from the Body of Christ, as well as from the species, one sacrament is made. Christ is contained in the sacrament as a part in the whole, just as the soul is in a man, and not as something external to the reason of the sacrament. And thus, an answer is given to the text which they oppose from the Council of Trent. This reason is confirmed by St. Augustine, as related in canon Hoc est, 48, distinct 2, on consecration, where he teaches that this sacrament...

[*Latin ed. p. 13*]

It consists of two things: the visible species of the elements, and the invisible flesh and blood of our Lord Jesus Christ, just as the person of Christ consists of both God and man. Regarding the passage in the chapter of Martha, Lugo, in his work *De Eucharistia*, book 1, number 27, responds (and he holds a different opinion, namely that the essence of the Eucharist consists primarily in the body of Christ, and only secondarily in the species), that when the priest says that the species are a sacrament, he does not intend to say that the species alone are the sacrament, but that the species in the Eucharist have no other function than that of a sacrament; they signify, and are not signified; unlike the body of Christ, which is both a sacrament and a reality, namely, that it signifies grace and is signified by the species; however, the passage does not exclude that the body of Christ pertains to the essence of the sacrament. Both opinions are probable.

2. The use or consumption of the Eucharist is not properly the sacrament itself, nor a sacrament distinct from it, as Gabriel claims; nor is it a part of it, whether essential or integral, as Aureolus claims; but rather it is only an application, or a condition for the sacrament to be efficacious. All other sacraments, as we noted at the beginning of book 6, are called "transient," because they are sacraments only when they are completed and applied. Only the sacrament of the Eucharist is called "permanent," because it consists of a permanent reality, and thus the body of Christ, after consecration, exists under the species of bread and is truly and properly a sacrament, whether it is consumed or kept in the sacristy, as is stated in the Council of Trent, session 43, canon 4: "If anyone says that after the consecration, in the admirable sacrament of the Eucharist, there is not the body and blood of our Lord Jesus Christ, but only bread and wine... let him be anathema."

3. Although every species, indeed, any part of a species, is a complete and essentially perfect sacrament, therefore the sacrament of the Eucharist, under the species of bread and wine, differs physically and materially; however, morally, and in the nature of the sacrament, it is one species of sacrament: both because it is one sign of the sacred reality, and because it is ordered to one species, namely, the lowest species, for a single end. See *Summa Theologica*, 3rd part, question 72, article 2.

4. Although, speaking physically, there are as many sacraments as there are species, or even parts of species: morally, however, there is only one

sacrament, which is presented and received as one; because it is referred to one end, namely, one spiritual nourishment.

6. The hosts in different altars are rightly considered as distinct sacraments; on the other hand, if the priest divides one host into several parts, or consumes several hosts together (the same principle applies to several species of different kinds), it does not mean that he has received several sacraments in number.

194. — Above all, it must be noted that which is found in the Tridentine Council...

[*Latin ed. p. 14*]

Council of Trent, Session 43, Canon 3. The Body [exists] under the species of bread, and the Blood under the species of wine, by the force of the words; but the Body under the species of wine, and the Blood under the species of bread, and the Soul under both, by that natural connection and concomitance. Furthermore, the Divinity, because of its hypostatic union with the Body and Soul. Also, in Session 21, Canon 3, it is stated: Although our Redeemer instituted this sacrament in two species, it must be admitted that even under only one species, the whole and entire Christ is truly received, and therefore, with regard to the fruit, those who receive only one species are not defrauded of any necessary grace for salvation. But it is questioned: 4. Whether the entire specific essence of this sacrament is preserved in only one species, either of bread or of wine, when taken separately? The first opinion affirms, which is held by Bellarmine, Book 1, Chapter 4, on the Eucharist, Chapter 22, and by Gonzalvo, Nugnus, and others, as cited by Salmeron, on the Eucharist, Chapter 2, page 1, question 4, number 16. The reason is that each species has the essence of the entire meal, since by concomitance the Blood comes under the species of bread, and the Body under the species of wine. And they argue from those words of the Council of Trent, as mentioned above: The true sacrament is received under either species. The second opinion, however, is more probable, and says that the entire specific essence of the sacrament is not preserved unless in both species. Thus, Lugo, in *De Euch.*, part 2, section 1; Tournhem, *Praelectiones Theologicae de Eucharistia*, question 4, article 3, and his *Controversiae*, in this chapter, article 1, conclusion 4; and Salmeron, ibid., numbers 17 and 18, with Ledesma, Cornejo, etc. The reason is that, although the Body of Christ comes under the species of wine by concomitance, and conversely, which is indeed sufficient to obtain the entire fruit of the sacrament, as the Council teaches; nevertheless, this happens accidentally, because now the Blood cannot be separated from the Body, but not by itself; for if, during the three days of the Apostle's passion, the Blood had not come under the species of bread. Therefore, since under only one species, by the force of the words and by itself, only the Body, or only the Blood, is placed, it cannot, by itself, signify through

the other species the entire nourishment of food and drink, in which consists the specific essence of this sacrament. And in accordance with this opinion, it seems to be expressly stated in *Summa Theologica*, part 3, question 73, article 2, ad 2: "Bread and wine are indeed more signs materially, but formally and perfectly, they are one, inasmuch as one nourishment is completed from them. Therefore, formally, or with regard to the specific essence of the sacrament, the nourishment is not completed in the signification, unless in both species." It is questioned: 2. From what is the numerical unity of this sacrament taken? Some say it is taken from the unity of the Body of Christ, as Lugo and Suarez say; others say it is from the physical continuity of the parts of the species themselves, and thus they say that there are as many sacraments as there are physically discontinuous species of bread or wine, as Vasquez, etc., say; others say it is from the moral conjunction of the species with each other, as Salmeron says.

[*Latin ed. p. 15*]

Euch. c. 2. p. 2. n. 42. et 46. with Soto, and Bellarmine, who hold that multiple species consecrated, even if discontinuous, and although they are physically multiple sacraments, are nevertheless morally one sacrament, due to the moral conjunction they have when they are presented or received in a single manner; and this opinion seems more probable with Busemb., as above. Therefore, concerning the species of this sacrament, it must be concluded that, although each species is materially different, morally both constitute one sacrament, since both signify one communion consisting of food and drink. As for the number, it must be said that the number is taken from the multiplicity of receptions; therefore, if one species, or one host, is distributed to many, or to the same person at different times morally distinct, then there are different sacraments in number. Conversely, if both species were administered to someone at the same time, or multiple parts of the same species, there would be one sacrament. Similarly, if different consecrated species are presented at the same time, and on the same altar, there would be one sacrament; if, however, the same species are divided and presented on different altars, there would be different sacraments.

492. — Question 3. Is the Eucharist necessary for obtaining first justification? It is considered certain, with St. Thomas, p. 3, q. 80, a. 11, that the Eucharist is necessary for salvation by a necessity of precept, not only an ecclesiastical one, but also a divine one, from Luke, c. 22, v. 49. This is easily remembered. On the contrary, it is certain that it is not necessary by a necessity of the means, according to the real reception, as Salm. de Euch. c. 3, p. unic. n. 6, commonly states against the heretics. It is doubtful whether it is necessary at least in intention, by a necessity of the means? The first opinion denies this, with St. Bon., Suar., Vasq., Caj., Laym., Bon., etc., apud Salm., ibid., dub. 1, n. 8 and 14. The reason is that this sacrament is not

instituted to cause first grace. And therefore, the Council of Trent, session 13, de Euch., canon 5, condemns those who say that the principal fruit of this sacrament is the remission of sins. The second opinion, however, is more probable, as held by Conc., p. 347, n. 6, Sot., Led., and many others with Salm., ibid., n. 16, which teaches that the intention, at least virtual and implicit, of the Eucharist, regarding this sacrament as part of the spiritual life, is necessary by a necessity of the means for salvation, both for adults and for children. Adults have such an intention, when they receive the sacraments of baptism or penance; for their own will, in fulfilling all precepts, implicitly includes this precept of the Eucharist: children, however, have an intention, not from their own will, but from the will implicit in the Church, which is applied to children, just as the will to receive baptism is applied. And this is taught by St. Thomas, p. 3, q. 79, a. 1, ad 1, where he says: "This sacrament, of itself..."

[*Latin ed. p. 16*]

It possesses the power of conferring grace, and no one receives grace before the reception of this Sacrament: or, unless it be through some vow of the individual, as in the case of adults, or through the vow of the Church, as in the case of infants. This is first proven from John, chapter 6, verse 54: "Unless you eat the flesh of the Son of man, and drink his blood, you shall not have life in you." Secondly, it is proven by reason, because the Sacraments of Baptism and Penance, which are certainly necessary by a necessity of means, at least in intention, for obtaining the first grace, do not confer grace unless they are considered in relation to the Eucharist, as the end of all the Sacraments.

493. – Question 4: Whether the Eucharist, in reality or in intention, is a necessary means for adults to maintain spiritual life? Suarez, Vasquez, and Durand, among others, deny this, as stated by Salm in *De Euch.*, chapter 3, question 2, number 34, saying that other means are present for this purpose. But Soto, Gonz., and Salm, among others, more commonly and truly affirm this, as stated in *ibid.*, number 35, with St. Thomas, *Prima Secundae*, question 80, article 44, second argument. The reason is that, just as the life of the body cannot be maintained for a long time without material food, so also the life of the soul cannot be maintained without this spiritual food, at least in intention, and indeed in an explicit intention in one who recognizes the necessity of this Sacrament. Hence, Salm, *ibid.*, number 42, with Cornejo, and others, hold that one cannot be excused from sin, even if he receives the Eucharist once a year, if he knows that such a rare Communion is not sufficient for him to persevere, considering his own weakness. See the statement in number 295.

DOUBT II. What is the matter of the Eucharist?

195 What is the proximate matter of this Sacrament?

195 Concerning the obligation of consecrating under both species.

Doubt 1. Whether this obligation is of divine or ecclesiastical law?

Doubt 2. Whether the Pope can dispense in this matter?

Doubt 3. Whether a consecration of one species without the other is valid?

197 Can one species ever be consecrated without the other accidentally?

194. – NOTE: As in other Sacraments, there are two matters, proximate and remote, so also here, but in reverse order: for in others, the remote matter is the permanent substance; the proximate matter is its use, which passes away; here, the remote matter passes away, and the proximate matter remains, namely, the species of bread and wine. Therefore, we inquire only about the remote matter, namely, that which, after consecration, is changed into the Body and Blood of Christ.

Answer: The matter of the Eucharist is only bread and wine. It is a matter of faith, and is proven from the institution of Christ, in Matthew 26 and Luke 22. And indeed, both matter, bread and wine, are so necessary for the completion of this Sacrament that, by themselves, it is never licitly possible to consecrate only one.

[*Latin ed. p. 17*]

To confess without further qualification: this is evident both from the action of Christ (Luke 22) and from the Council of Trent, Session 22. Therefore, it is resolved (495).

4. The consecration of both species is a matter of divine law, because the essence of the sacrifice requires both.

5. It is not permissible to consecrate only one species, even in a grave necessity, such as when administering the Eucharist to a dying person. See Suarez, etc., commentary 3.

6. Nor can the Pope dispense with this in any case. Thus, Suarez, commentary 3, page 55, session 4, etc., against certain opinions (496).

It is certain that it is necessary, by divine command, to consecrate the Eucharist under both species, as taught by St. Thomas (Summa Theologica, 3rd part, question 80, article 12, ad 3), in common with others, from the canon (De consecratione), book 2, and from the Council of Trent, as will be explained shortly. Therefore, it is universally and certainly held that it is not permissible, even at the point of death, to consecrate only one species for administering the Eucharist to the sick. See Salm, De Euch., chapter 4, page 3, number 37; Bonaventure, d. 4, question 2, page 3, number 9, and others throughout.

However, it is doubted (4) whether this precept is divine or ecclesiastical. Navarrus, Manual, chapter 25, number 92, and Adrian, Major, etc., in Contra Tournheim, De sacrificio missae, chapter 3, article 2, section 3, conclusion 2, state that it is ecclesiastical. But it must be held to be divine, as Suarez (Disputationes, 43, section 3), Tournheim, Praelectiones theolog-

icae de sacrificio missae, article 3, Council of Trent, volume 8, page 425, number 8, and Bonaventure, d. 4, q. 2, page 3, number 5, state in common with Cajetan, Soto, Paludanus, Regius, and others. This is evident from the Council of Trent, Session 22, chapter 4, where it is stated that Christ commanded the priests to offer His body not otherwise than under both species; in the words of the Council: "Christ offered His body and blood under the species of bread and wine to God the Father, and under the same (note) symbols of things, He gave it to the Apostles, and to those and their successors in the priesthood, He commanded that they should offer it, saying these words: 'Do this in memory of Me'; as the Catholic Church has always understood and taught."

It is doubted (2) whether the Pope can dispense with this precept? Several grave Doctors affirm this, such as Azorius, Alanus, Gabriel, Henricus, etc., in Salm, De Euch., chapter 4, page 3, number 44. And Sanchez (De Matrimonio, book 8, chapter 6, number 6) and Contra Tournheim, in the aforementioned passage, with Isambard, consider this probable. They prove this from the Council of Trent, Session 21, chapter 2, where it is stated: "This power has always been in the Church, to determine or change, with the preservation of the substance of the sacraments, those things which it may judge to be more conducive to the benefit of the recipients, or to the veneration of the sacraments themselves."

However, Suarez (Disputationes, 43, section 4), Lugo (De Euch., d. 49, s. 8), Council of Trent, page 425, number 8, Salm, ibid., number 44, state in common with Gonfalonieri, Cajetan, Soto, Sylvester, and others, that this is not the case. The reason is that, although the Church can make changes concerning the administration of the sacraments, as the Council states, it cannot alter the divine law itself.

[*Latin ed. p. 18*]

It is also possible that the dispensation concerns matters pertaining to the administration of the sacraments, according to divine precept, such as the consecration of both species, as we have already demonstrated above. However, this reasoning is not entirely convincing, for, as we shall say in *Matrimonia* number 1449, according to the opinion of many, it is probable that the Pope can also dispense from divine precepts in a particular case, with just cause, or at least interpret the divine precept. Nevertheless, despite this, I maintain that the first opinion cannot be put into practice, because (as we shall say shortly in the following question 3), it is probable that the sacrament is not valid unless it is performed in the sacrifice, for which (according to our opinion, see number 306, Question II), the consecration of both species is necessarily required. Furthermore, as the *Controversia Tournhensis* correctly states in the same place, at the end, the Church has never dispensed from this precept, nor will it ever dispense; for, in common with Suarez, Lugo, the Council of Salm, and others, it re-

jects what Volaterranus states in *Georgius*, book 7, chapter 4, namely that Innocent VIII dispensed to the Norwegians so that they could consecrate the bread and the chalice without wine, which is certainly unbelievable.

Question 3: Is the consecration of one species without the other valid? No one doubts that it is valid if it happens by chance, as we shall say shortly in the cases presented by Busemb. Therefore, the question is whether a priest validly consecrates when he has the positive intention of consecrating only one species without the other? Lugo, in *De Eucharistia*, book 4, number 403, denies this, and Renzi follows him in the same title, question 45. For (as he says), the reason for the sacrament cannot be separated from the reason for the sacrifice; for the priest does not receive the power to perform this sacrament unless he offers the sacrifice, as is clear from the form of ordination: "Receive the power to offer sacrifice, both for the living and for the dead." Therefore, since the consecration of both species pertains to the essence of the sacrifice, according to the more probable opinion that we shall present in number 306, Question II, it follows that he who does not offer the sacrifice does not validly perform the sacrament. Others, however, commonly affirm, as Suarez states in book 43, section 2, *Disputationes de Sacramentis*, volume 3, page 409, number 430, Salm in *De Eucharistia*, chapter 4, page 3, number 36, Dian in page 10, treatise 46, reply 7, Bon in book 4, final question, page 3, number 2, along with Conciliarius, Fillius, Henricus, Regius, and others, that the reason is that in every sacrament, the minister always offers the form over the matter with due intention, and thus perfects the sacrament. This opinion is indeed very probable, but Lugo's reasoning does not seem improbable; nor does the authority of St. Thomas in the *Summa Theologica*, part 3, question 78, article 6, which Bon presents as the second opinion, object; for the Saint speaks only against those who would say that the body is not consecrated unless the blood is consecrated first, which is certainly false.

197. "I said 1. Per se; because, by accident, and without intention," Tan teaches in *Decretum*, book 5, question 2, doubt 5, number 27, and he says that it is common, for example, in these cases: 1. If someone consecrated water, or another liquid, in place of wine, and did not...

[*Latin ed. p. 19*]

He would not perceive the defect unless long afterwards, or after having been warned, nor could another wine be obtained; or, although he might have it, he could not use it without grave scandal, or danger to his life. (Or, without a very similar inconvenience, as Salm. ibid. n. 38, with Suar. Bon. Regin., etc.) 2. If, after the consecration of the Host, a sudden danger of death from enemies, or from fire, should threaten, provided that scandal and contempt for the Faith are avoided, Reg. l. 29. c. 4. (With Salm. de Euch. c. 4. p. 3. n. 39.) 3. If the priest, having consecrated the Host, should die, or, lacking his senses, lose the power of speech, or fall into madness,

and there is no other who can complete the sacrifice, Suar. Vasq. etc. But if another can assist, and the sick priest can receive communion, the Host should be divided, and a portion given to him. Tamb. de Exp. Sacrif. l. 2. c. 8. (See Suar. d. 43. sect. 4. Spor. t. 3. p. 109. nu. 433. Renzi qu. 46. cum Axor. Major. Henr. et Hurt. Bon. p. 3. n. 8. cum. Reg. etc., which confirm almost all of these.) But Salm. ibid. n. 40, Mazzolta t. 1. p. 31, and Wigandt tr. 12. ex. 2. n. 16, rightly observe that a priest should never consecrate in only one species out of fear of death from external sources, or from another deliberately causing such a situation, so that he might consecrate thus; for then he would act directly against the divine precept, which is intrinsically evil. I said 2. It is permissible, because it is certain that only one of the two can be validly consecrated, as is clear both from the example of Christ, who consecrated the bread before the wine, and from the practice of the Church, which presents the Body for adoration before the Blood.

QUESTION III. What kind of bread should be used in the Eucharist? 189 Is only wheat bread the suitable material? 189 The following are not suitable materials for the Eucharist: I. Bread made from rice, legumes, etc. II. Raw dough, or a fritter, or a cake. III. Bread baked with oil, milk, etc. What if water is not naturally present? IV. *Hostiæ rubræ* (red hosts). V. Corrupted bread. 300 What kind of bread is a doubtful material? Is it made from barley, spelt, or starch? 301 What kind of bread is a valid, but illicit, material? I. If it is mixed with a small amount of something else. II. If it is sticky. 303 Do the Latins validly, but illicitly, consecrate in leavened bread, and the Greeks in unleavened bread? 303 Question 1. What if a Latin priest passes through Greece, or vice versa? Question 2. Can a Latin priest celebrate in leavened bread to give Viaticum? 304 Concerning broken or stained hosts. 306 Concerning the shape of the host to be consecrated. And is it permissible to celebrate with a smaller host? 498. — ANSWER: 4. Only wheat bread, which is naturally used in common meals, is suitable, and which, according to the moral judgment of men, is considered to be that which is made from wheat from *Jarina*, mixed with natural water, and baked, or toasted, in *Assos*.

[*Latin ed. p. 20*]

and in its species it is incorrupt; for here alone is it simply called bread, while the other is not so unless with something added, e.g., barley. Therefore, it is resolved: 1. It is false that, as Cajetan taught, the Eucharist can be consecrated from any bread of any species, provided that it is fit for eating. (St. Thomas teaches the same in *Summa Theologica*, 3rd part, question 74, article 4; the Roman Catechism, page 2, number 43; and Salmeron, *De Eucharistia*, chapter 4, page 4, number 5, with Lugo, Palafox, and others concurring. And it is clear from the decree of Eugene, where it is said of the Eucharist: "Its matter is wheat bread and wine from the grape." This is confirmed by the Roman Missal, where it states: "If the bread is not

wheat, the sacrament is not confected.") 499. — • 2. It is not suitable matter for valid consecration: I. Bread made from rice, oats, millet, peas, beans, almonds, or other legumes, or from the fruits of trees, or even from barley; because all of these, by common usage and opinion, are considered to be distinct in species from wheat. Layman, Bonaventure, Cardinal Lugo, book 4, section 4, II. Raw wheat mass, or wheat mass not cooked in the manner of bread, but fried or ground, as are wafers, or if they differ in species, or not. (Salmeron, ibid., number 11, with Fillon, Palafox, etc.) • III. Bread to which artificial waters, or oil, butter, milk, and eggs, sugar, or any other liquid that is not mixed with natural water, have been added, because it is not usual bread. Thus, Layman, book 5, treatise 4, chapter 9. However, Cajetan and some more recent authors teach the contrary, so it is at least doubtful matter; and this is confirmed by the Roman Missal, title on defects, and Cardinal Lugo, book 4, section 4, number 4, from which those who buy hosts should be certain that they are made with natural water and without rosewater. IV. Similarly, the *rubrae* hosts, with which letters are sealed, are not valid matter, or at the very least, doubtful matter; because they are notably altered by the addition of cinnabar. Cardinal Lugo, book 4, section 4. This is limited by Ant. Perez apud Diana, page 7, volume 12, page 3, who states that if a large amount of cinnabar is mixed in, it is probably valid matter, although illicit; but if it is very little, it is likely to be valid matter. V. Bread that is substantially corrupted. VI. Bread to which sea water has been added. Fagius, apud Diana, page 9, treatise 9, page 58, where he himself teaches the contrary, because that is natural water. (And Diana agrees with Renzius, chapter 4, question 48. And indeed, I do not understand why bread made with sea water would not be true bread, since sea water is true and natural water, as we say in number 103 regarding baptism, and as St. Thomas teaches in *Summa Theologica*, 3rd part, question 66, article 4, ad 4. However, it should be said differently if flour is mixed with rosewater or any other liquid, because then it would not be true, usual bread, as the same St. Doctor says in question 74, article 7, ad 3.) 200. — • 3. Bread made from farro, or spelt, or also from siliga, is doubtful matter; because some say that it differs only in accidents because of the barrenness of the place, while others say that it differs in species from wheat; therefore, it is not permissible, at least to use it for the sacrament.

[*Latin ed. p. 21*]

Concerning the substance, because this matter is exposed to danger. See the author cited. (Summa Theologica 3, part. q. 74, art. 3, ad 2 and 5; St. Bonaventure, Cajetan, etc., apud Croix, lib. 6, p. 4, n. 421, state that farina is true wheat; but Concina, Palaus, and others deny this; hence, Carden, apud Croix, and Cont. Tourn. de Euch., cap. 3, art. 1, concl. 4, v., and Renzi, quaest. 9, with Bon., correctly teach that it is mortally sinful to consecrate using farina, as in the case of a doubtful substance. Amylum, however, is

certainly not a suitable substance. Croix, n. 423; Salm. de Euch., c. 4, p. 1, n. 14, with St. Thomas, Lugo, and the common opinion, contradict this.) 201. — • 4. A valid, but illicit, substance: I. If a few grains, or drops, of another substance are mixed with wheat and water, so that the wheat and water still predominate, then it is a valid substance, because if the greater part is not wheat and water, it will not be a valid substance, and those who prepare the hosts should be warned of this. Bon., d. 4, qu. 2, p. 4, n. 6; Laym., c. 2. (St. Thomas, q. 74, a. 3, ad 3, teaches the same thing, saying: If a small amount of another grain is mixed with a much larger quantity of wheat, bread can be made from it, which is the substance of this sacrament. But if there is a large mixture, for example, an equal or nearly equal mixture, such a mixture changes the nature of the substance, so that the bread made from it will not be the proper substance. And so, too, say Salm., ibid., n. 8 and 10, in common.) • II. A sticky bread, which is prone to corruption. Bon., l.c., n. 5. (This would be the case if the flavor were somehow changed, and then it would be mortally sinful to use it. Palaus and Concina.) 302. — • 5. Regarding the value of the sacrament, whether the bread is unleavened or leavened, it is the same, as defined by the Council of Trent, because both are customary and properly called bread. However, the Latins are required to use unleavened bread in their churches, and the Greeks are required to use leavened bread, under a grave precept and with mortal sin, from which there is no exception, e.g., in giving communion. See Bon., d. 4, qu. 2, p. 4; Fill., t. 4, c. 3, g. 8; Card. de Lugo, l.c.; and the common opinion with Soto, Suar., Laym., and Salm., ibid., n. 49. Thus, the Council of Florence, in the Decree to the Armenians, § 2, defined: We define that the body of Christ is truly and substantially made in unleavened or leavened wheat bread. And the priests in either [type of bread] must make the Lord's body, each according to the custom of his own Church, whether Eastern or Western. Hence, His Holiness Pope Benedict XIV, in the constitution concerning the rites of the Greeks, issued in the year 1742, and if a pastor, under the penalty of perpetual suspension from divine duties, confirms the prohibition that a Latin or a Greek should not celebrate outside of his own rite. 203. — But it is doubted: 1. Whether a Latin can celebrate in leavened bread in places of the Greeks, and a Greek in unleavened bread in places of the Latins? The Doctors agree that if a church of the Latins is found among the Greeks, in which the Latin rite is observed, the Latin priest must consecrate in unleavened bread; and conversely. Thus, Suar., d. 44, sect. 3, v. Illud; Cont. Tourn. de Euch., cap. 3, art. 1, concl. 2; Holzm., n. 242; Spor., n. 149.

[*Latin ed. p. 22*]

Psalm. de Euch. c. 4. p. 1. n. 21. with Sanchez, Bon. etc., commonly. It is doubtful when the Latin rite transitions to the Greek rite (or vice versa). Ledesma, apud Salm. ibid. n. 20, believes that the celebration should be done with leavened bread. Conversely, Vasquez d. 174. c. 3. Conc. t. 8. p.

249. and Aversa qu. 2. sect. 4. state that the celebration should be done with unleavened bread. Generally, and most probably, Nat. Aleæ. art. 3. prop. 4. reg. 12. Antoine c. 1. q. 2. Suar. Cont. Tourn. ibid. and all others cited teach that the Latin rite can then celebrate either with leavened bread or with unleavened bread. With leavened bread, according to the teaching of St. Augustine, Epistle 448, chapter 2, where he says: "There is no better or more prudent Christian practice than to act in such a way that one would seem to be acting according to the custom of the Church to which one has come." It can also be celebrated with unleavened bread, because, as Suar. l. c. and the Glossa in c. Quæ contra, dist. 8. point out, even if one follows the custom of the region where one is found, one is not obligated to do so. Pope Leo, in his Epistle to Michael Cærular, c. 29, warns (as Suar. reports) that everyone should be allowed to celebrate according to the rite of the Church, even if they are in a foreign land. 2. Is it permissible in a case of necessity, to provide the sick with the Body of Christ, for a Latin priest to consecrate with leavened bread? Major and Tanner, apud Renzi c. 1. q. 4., affirm this, because, they say, the divine precept to receive the Body of Christ must take precedence over the human precept to celebrate with unleavened bread. But the common and more probable opinion, held by Navarr. c. 21. n. 3. Cont. Tourn. l. c. Antoine de Euch. q. 2. Suar. d. 66. sect. 5. with Soto, Gabr. Led. Vict. Diana part. 10. tract. 16. r. 39. Croiæ n. 431. Renz. l. c. with Palao, Laym. Tamb. and Bonac., is that in this case, reverence for the Sacrament should be preferred over the benefit to the person to whom the Sacrament is not simply necessary. 204. — Setting aside any scandal, it is only venial to consecrate a broken or soiled host without a reasonable cause; unless the breakage or soiling was enormous: in that case, it would be mortal, as Croiæ n. 432. states, with Quart. and Pasq. However, if a breakage is discovered after the consecration, such a host will be consecrated, unless there is fear of scandalizing the people. Croiæ ib. with Gob. 205. — "Response 2. According to the precept of the Church, the bread to be consecrated must be in the form of a circle (in the Latin Church) and whole." I said Latin, because "the Greeks use a square, and in the particles, a triangle, as Arcud. has it." It is also permissible to celebrate privately with a smaller host, such as is given to the laity, when "another cannot be obtained, and there is no scandal," indeed, "if the occasion is urgent, even publicly on a feast day," as March. in Candel. t. 4. c. 5. q. 3. Dian. p. 5. t. 13. r. 80. and p. 6. t. 7. r. 17. and Tamb. de exped. sacrif. l. 2. c. 8. and Avers. q. 11. sess. 12. teach, because there is no precept, nor is there a custom that obligates under a precept. "(This is admitted by Tamb. §. 8. num. 16. even for the cause of devo-

[*Latin ed. p. 23*]

tionis, and agree with Ronc. c. 2, q. 6, r. 3, as well as Quarti, and Elb. p. 69, n. 45, with Gob. For if there is no scandal, which can be prevented

by warning the people. Indeed, Ronc. adds that the priest is obligated to consecrate in the smaller host, if it were to be given as Viaticum to the sick. • In that case, it is permissible, according to Tamb. l.c., to elevate the adored larger host that has been previously consecrated by another, contrary to March. and Diana ll. cc. However, it is not permissible to take the smaller host and leave the larger one (e.g., to expose it in the sacristy), unless he himself has also consecrated that one in the same Mass, because he must communicate from his own sacrifice. Tamb. l.c. Therefore, the parish priest acts wrongly who, intending to renew the Eucharist, takes a host consecrated by another and puts it in the sacristy or the repository, while placing the host he consecrated himself in the sacristy or repository. Tamb. l.c. Card. de Lugo, d. 49, sect. 4. DOUBT IV. What wine is the matter of the Eucharist? 206 What wine is not a suitable matter? I. Sidera, etc. II. Agresta, III. Acetum. IV. Uvae. V. Mustum decoctum. 307 What is a valid, but illicit, matter? I. Mustum. II. Wine mixed with something else. III. An acetum. IV. An congelatum? 308 Is water to be mixed with wine under a serious precept? And what kind of water, and in what quantity? And is the mixture to be made in the chalice? 309 Is the water mixed with wine immediately converted into blood? 310 What quantity of water should be mixed in the chalice? What if blood falls on the altar, linen, or corporal, etc.? 206. — ANSWER. 4. Only the wine of the vine, as faith teaches, and as is defined in Florence. Therefore, it is resolved: It is not a suitable matter for a valid consecration. 4. Sidera, and any liquid from figs, pomegranates, etc., whether it is called wine or not. II. Agresta, or omphacium, that is, the juice expressed from unripe grapes: because it is not wine, but is on the way to becoming wine, and has not yet acquired its nature; it is like raw dough in relation to bread. Laym. l. 5, t. 4, c. 2, n. 5 and 6. However, the juice expressed from ripe grapes is considered consecrable by Franc. Amic. apud. Diana, p. 7, c. 42, r. 8, because it is true wine. III. Acetum, which is wine substantially corrupted. Ibid. If, after Communion (indeed, even before it, after the consecration of the chalice), there is doubt whether it is acetum or wine, it should be presumed that it is wine, as taught by Tamb. l. 2, exp. sacr. c. 8. • (But see the following annotation, which will be said shortly) IV. Grapes, or wine contained within the grapes, or imbibed in the dough of bread, both because it is not so much a drink as food; and because that juice...

[*Latin ed. p. 24*]

It is not properly called wine until it has been pressed; this is because, in that state, it is not sufficiently evident through its form. Card. de Lugo, d. 4, n. 41, and 12; Laym., etc. V. Sapa, or *defructum*, that is, must that has been boiled down to about half or a third of its original volume, because it is not truly wine, nor a drink, but food. Bon., l. c., VI. Lora, that is, water in which the skins of grapes have been steeped. Fill., t. 4, c. 3. Card. de Lugo, d. 4, sect.

1, n. 9. Note what is stated about these in the *Rubricae Missalis*, tit. 4, n. 1. If wine has been made into vinegar, or has become putrid, or is pressed from unripe or immature grapes, or if only water has been added to it, such that the wine is corrupted, the sacrament is not confected. However, it is incorrect to say that wine from unripe grapes is always unsuitable, when it has no appearance of wine, as D. Th. teaches, 3, p., qu. 74, art. 5, ad 3, where he says: "It is unripe in the process of generation, and therefore it does not yet have the appearance of wine, and for this reason, this sacrament cannot be confected from it." As for wine that has become vinegar, if, after consecration, the priest prudently doubts whether the substance was truly wine, Tamb. de Sacr. Miss., l. 2, c. 8, §. 5, n. 6, and Spor., c. 3, n. 457, along with Bus., as above, and Mazzot., t. 3, p. 448, state that it should be judged that the substance was suitable, because possession is taken as representing the substance of wine; and because the sacrifice should not be disturbed without certain grounds. However, La Croiæl., 6, p. 2, n. 535, Pasq., qu. 304, and Aversa, qu. 41, s. 46, rightly believe that that consecration should be supplemented, so that the sacrifice is not left in danger of not being complete, contrary to the precept of performing a complete sacrifice. The arguments to the contrary are weak; how can possession be taken as representing wine, when there is doubt as to whether, at the time of consecration, the substance was wine or not? Furthermore, in determining whether consecration has truly been performed, the truth of the matter must be considered, not a presumption. However, the sacrament should not be disturbed without certain grounds, but we have already stated that there is a certain ground or obligation to complete the sacrifice, when it is certain that there is doubt about the consecration having been performed. I believe, however, that it is not necessary to consecrate the wine again absolutely, because then the same danger would arise of performing a second sacrifice that is mutilated, if, perhaps, the previous substance was truly suitable. Therefore, I say that this second consecration should be performed under the condition, namely, if the previous substance was not consecrated; for the danger of leaving the sacrifice mutilated is a just cause for repeating the consecration under the aforementioned condition. 207. — « 2. A valid consecration, but illicit. I. In must » (In which it is validly consecrated, as Salm. de Euch., c. 4, p. 2, n. 30, states, along with Pal. Lugo, etc.). « because it is not simply wine, but impure, having mixed in it substances that are not consecrable; therefore, the precept of the Church, obliging, according to Suarez, under a mortal sin, at least outside of necessity, such as would be the defect of old wine, and according to some, even the devotion of the people; how many excuse themselves.

[*Latin ed. p. 25*]

Contra Suarez, qui dicit quod in quibusdam locis, succus primitus uvarum in calice exprimitur. Vide Bon. l. c. II. In vino, liquoribus aliis,

vel aromatibus ita moderate permixto, ut naturam vini retineat. Si vero commixtio sit immodica, materia erit dubia. III. In vino calente: quia adhuc est vinum, sicut panis mucidus est panis. (Vide infra Qu. I.) IV. Probabilius etiam in vino congelato (etsi à quibusdam, propter negantium auctoritatem, dicitur esse materia dubia), tum quia adhuc retinet substantiam, et denominationem vini, estque natura sua potabilis; tum quia Christus sub eo ante consecrato manet. Card. de Lugo l. c. Nec refert 1. quod aqua congelata non sit materia baptismatis; quia hic essentialiter consistit in ablutione, Eucharistia vero non in sumptione. Nec refert 2. quod non sit proxime potabile: quia est per accidens, et facile tolli potest, estque par ratio in pane indurato. Non est autem idem in liquore nondum ex uvis expresso, cum non sit vinum simpliciter, et per se, ac natura sua non sit potabilis, sed comestibilis, quod vino congelato non convenit: alioqui enim jejunium frangeret. Bonac. l. c. num 40. (Vide infra Qu. II.) Peccat tamen, qui in congelato consecrat, ideoque si hieme congelavit calix, calore manuum, aut halitus aliove modo solvendus est. Fill. t. 4. c. 3. Laym. l. 5. t. 4. c. 2. 3. Valida et licita est consecratio in vino, sive albo, sive rubro, etsi etiam specie physica differant: cum utrumque habeatur, et sit simpliciter vinum de vite. Bon. p. 2. n. 2. Card. de Lugo l. 4.

Quæritur I. An peccat mortaliter sacerdos, qui consecrat in vino calente? Dicunt Salm. de Euchar. c. 4. p. 2. n. 26. Pal. eod. tit. p. 4. n. 9. cum Suar. Vict. Vasq. Laym. et Conc. ac Bon. p. 2. n. 5. cum aliis, tunc peccare mortaliter, quando vinum est proximum acceti naturae, ita ut dubitetur, an qualitates vini jam amiscerit. Veneror auctoritatem tantorum DD. Sed nescio quomodo hæc opinio sustineri possit, cum expresse adversetur Rubricæ tit. 4. n. 2. ubi sic dicitur: Si vinum cæperit accescere vel corrumpi, vel fuerit aliquantulum acre, vel mustum de uvis tunc expressum, vel non fuerit admixta aqua, vel fuerit admixta aqua rosacea, seu alterius distillationis, conficitur sacramentum, sed conficiens graviter peccat. Rubrica igitur damnat de mortali, non solum qui adhibet vinum aceto proximum, sed etiam vinum, quod cæperit accescere, vel fuerit aliquantulum acre. Verum hoc principium acrimoniae, sive accescentiæ intelligendum est juxta id quod docet S. Thom. 3. p. q. 74. art. 5. ad 2.: Potest tamen confici (sacrificium) de vino accescenti, sicut et de pane, qui est in via ad corruptionem, licet peccat conficiens. Itaque in vino accescenti diversi considerandi sunt gradus, alii extra, alii intra viam corruptionis. Hinc rubrica juxta S. Thom. intelligi debet, quando vinum, vel panis jam ingressus est corruptionis limites, ita ut ad princi-

[*Latin ed. p. 26*]

Piety has already been offended, that is, it has reached the point, as the Cardinal Lamb says in Notification 77, no. 2. Furthermore, Lamb himself says, citing Merati, vol. 1, p. 3, title 4, with Quarti: "If necessity compels the celebration, or if a priest cannot omit the sacred rite without notification,

as happens among religious who are bound to celebrate according to the rule, and if they do not have another wine available, they do not sin by using wine that is subject to this condition..." And although using such wine is contrary to the reverence of the sacrifice, this irreverence is not imputed to the celebrant, but to the superior or minister, who is the cause of that voluntary act. Furthermore, when the wine is so close to vinegar that one doubts whether it has lost the nature of wine, the consecration will indeed be doubtful, and in the Rubric, such a consecration is considered certain, because it is said, "the sacrament is perfected." Therefore, according to the Rubric, and according to the opinion held by other authors, as Abelly states in *De Eucharista*, section 3, no. 4, and Mazzola, vol. 3, p. 418, it must be said that it is mortally sinful to consecrate in wine that is turning to vinegar, not only when the substance is doubtful, but even when it is certainly valid, but is considered illicit because of the irreverence of the sacrament. Suarez, cited by his opponents for his opinion, does not disagree with this, when he says that one can gravely sin in this case, either through doubt or through irreverence. And St. Thomas explicitly teaches this in *Summa Theologica*, 3rd part, question 74, article 5, ad 2, where he says: "The sacrament can be perfected with wine that is turning to vinegar, just as it can be with bread that is on the way to corruption, although the one who performs the act sins." However, Gobius, case 2, no. 154, Sporer, vol. 3, p. 442, no. 153, and Croix, book 6, p. 2, no. 546, probably say that, if another wine is lacking, it is permissible, as good men are wont to do, to use wine that is only slightly turning to vinegar, or not noticeably sour. Sporer and Mazzotta add that, in the case of a grave necessity, it is permissible to use wine that is still noticeably turning to vinegar, provided that it is certainly wine.

Question II: Is frozen wine a valid matter? There are three opinions. The first opinion denies this, and it is held by Lessius in 3rd part, question 74, article 5, no. 24, Concina, vol. 8, page 254, no. 7, as well as Armilla, Ledo, Alan, Henry, etc., as cited by Renzi in *De Eucharista*, chapter 1, question 35, and Salm is considered to hold it as probable, in *De Euch.*, chapter 4, p. 2, no. 34. The reason (as they say) is that just as the bread to be consecrated must be suitable for consumption, so too must the wine be suitable for drinking; but frozen wine is not suitable for drinking. The second opinion, however, which is truer, affirms this, and it is held by Sporer, no. 159, Salm, ibid., nos. 32 and 32, Anaclasius, p. 556, no. 25, Renzius, *loc. cit.*, with Pontius, Pasquius, Tamburinus, Leander, etc., and Holzmuller is considered to hold it as probable, in no. 847, Suarez, *d. 45*, section 1, *in fine*. The reason is that although frozen wine is not actually drinkable, it is nevertheless drinkable by its nature, just as hard bread is comestible. This is clearly demonstrated in the Rubric of the Missal, in the section on defects: "In winter," where St. Pius V decreed: "If the wine freezes in the

chalice, wrap the chalice in heated cloths, etc."

[*Latin ed. p. 27*]

Until it liquefies. Therefore, the Pontiff argues that, through freezing, the essence of the wine is minimally corrupted, otherwise it would cease to be the Blood of Christ; for wine, once it has lost its nature, cannot regain it, since, according to a common axiom of philosophers, there is no return from privation to habit. Therefore, frozen wine is true wine. I know not how one could respond to this reasoning. The third opinion, which is held by Pal. p. 4, n. 8, *Cont. Tourn. de Euch.* cap. 3, art. 2, sect. 1, concl. 1, in fin., and Salm. cit. n. 34, teaches that it is a doubtful matter, since the first opinion does not lack all probability. However, I believe that it is not permissible for anyone to consecrate in frozen wine; at least out of reverence for so great a sacrament. But if the wine has been frozen and then liquefied, it seems very probable, as Suarez, Salm. ibid. n. 35, and Con. state, that it can licitly be consecrated in it. But in the case where a priest illicitly consecrates frozen wine, it must be held to be truly consecrated, and he would not licitly be able to consecrate another wine, because I believe that the first opinion cannot be supported by any solid probability.

208. — « Resp. 2. When consecrating wine, water must be mixed in, not out of necessity of the Sacrament, but by a grave precept under a mortal obligation, according to the Cardinal. » (With Catechism) « de Lugo de Euch. d. 45. s. 2. n. 22. » (With Catechism) « Rom. n. 16. » And this is done both ceremonially and in order to the sacrifice. It is certain, as is clear from Trid. sess. 22, c. 7 and 9. » (And previously it was prescribed in c. 2 of the De Consec. dist. 2. Whether this precept is also divine? Valent. and Gran. affirm; Suarez and Vasquez deny; both opinions are probable.) « Whether this water is immediately converted into blood, or not, is disputed by the Scholastics. See » (Con. vel Præp. here Card. de Lugo dist. 4, sess. 3.) (See my words n. 209.) Therefore, one resolves: 1. If this mixture is omitted, the consecration is still valid, although mortally illicit. Thus, all who communicate. 2. Natural water must be mixed in, and it must be very little, as the Florentine says, namely, one or two drops; but in such a way that it is perceptible, and does not exceed one-third of the wine; otherwise, it renders the matter doubtful. Bon. p. 4, n. 4, and S. Thoma, Con. etc. » (See my words n. 210.) « But whoever mixes in rosewater, or another artificial substance, even if out of necessity, would still sin mortally, even if the consecration were valid. S. Th. Mol. Diana, p. 6, t. 7, r. 48, because he would be acting against a precept, and the custom of the Church in a grave matter. » (This is common with Salm. de Euch. c. 4, p. 4, n. 68.) « For this reason, Fagund also considers it to be a mortal sin, p. 2, l. 2, c. 4, Pers. etc.,

to mix in hot water. »

[*Latin ed. p. 28*]

And in its species, it is incorrupt; for here alone is bread simply said, while another is not so, unless with the addition of something, e.g., barley. Therefore, it is resolved: 1. It is false that, as Cajetan taught, the Eucharist can be consecrated from any bread of any species, provided that it is fit for eating. (St. Thomas teaches the same in *Summa Theologica*, 3rd part, question 74, article 4; the Roman Catechism, page 2, number 43; and Salmeron, *De Eucharistia*, chapter 4, page 1, number 5, with Lugo, Palafox, and others concurring. And it is clear from the decree of Eugene, where it is said of the Eucharist: "Its matter is wheat bread and wine from the grape." This is confirmed by the Roman Missal, where it states: "If the bread is not wheat, the sacrament is not confected.") 499. — 2. It is not a suitable material for valid consecration: I. Bread made from rice, oats, millet, peas, beans, almonds, or any other legumes, or from the fruits of trees, or even from barley; because all of these, by common usage and opinion, are considered to be distinct in species from wheat. Layman, Bonaventure, Cardinal Lugo, book 4, section 4, II. Raw wheat mass, or wheat mass that has not been cooked in the manner of bread, but has been fried or ground, such as placenta, libum, or similar things; whether these differ in species or not. (Salmeron, ibid., number 11, with Fillon, Palafox, etc.) 3. Bread that has been mixed with artificial waters, or with oil, butter, milk, eggs, sugar, or any other liquid that is not mixed with natural water, because it is not usual bread. Thus, Layman, book 5, treatise 4, chapter 9. However, Cajetan and some more recent authors teach the contrary, so that at least it is a doubtful material; and this is confirmed by the Roman Missal, title on defects, and by Cardinal Lugo, book 4, section 4, number 4, so that those who buy hosts should be certain that they are made with natural water, and not with rosewater. 4. Similarly, hosts of Cabezas Rubias, with which letters are sealed, are not valid material, or at the very least, are doubtful: because they are notably altered by the addition of cinnabar. Cardinal Lugo, book 4, section 1, which Antonius Perex limits in *Diana*, page 7, volume 12, page 3. He states that if a large amount of cinnabar is mixed in, it is doubtful whether it is valid material; however, if it is mixed in only in a very small amount, it is likely that it is valid material, although illicit. 5. Bread that is substantially corrupt. 6. Bread that has been mixed with sea water. Fagius, in *Diana*, page 9, treatise 9, page 58, where he himself teaches the contrary, because that is natural water. (And with *Diana*, Renzius agrees in book 1, question 18. And indeed, I do not understand why bread made with sea water would not be true bread, since sea water is true and natural water, as we said in number 103 regarding baptism, and as St. Thomas teaches in *Summa Theologica*, 3rd part, question 66, article 4, ad 4. However, it should be said differently if flour is mixed with rosewater or any other liq-

uid, because then it would not be true, usual bread, as the same St. Doctor says in question 74, article 7, ad 3.) 200. — 3. Bread made from farro, or spelt, or from siliga, is a doubtful material: because some say that it differs only in accidents due to the sterility of the place, while others say that it differs in species from wheat; therefore, it is not permissible, at least to use it for the sacrament.

[*Latin ed. p. 29*]

The sacrament, because this would expose it to danger. See the author cited. (Summa Theologica 3, part. q. 74, art. 3, ad 2 and 5; St. Bonaventure, Cajetan, etc., apud Croix, lib. 6, p. 4, n. 421, say that the *siligine* is true wheat; but Concina, Palaus, and others deny this; hence, Carden, apud Croix, and Cont. Tourn. de Euch., cap. 3, art. 1, concl. 1, v. Also, Renzi, quaest. 9, with Bonaventure, rightly teach that consecration in *siligine* is mortal, as in a doubtful substance. But starch is certainly not a suitable material. Croix, n. 423; Salm., de Euch., c. 4, p. 1, n. 14, with St. Thomas, Lugo, and the common opinion, against some). 204. — 4. A valid, but illicit, material: I. If a few grains, or drops, of another species are mixed with wheat and water, so that the wheat and water still predominate, because if the greater part is not wheat and water, it will not be a valid material, of which those who prepare the hosts must be warned. Bonaventure, d. 4, qu. 2, p. 4, n. 6; Layman. c. 2. (St. Thomas, q. 74, a. 3, ad 3, teaches the same, saying: If a small amount of another grain is mixed with a much larger quantity of wheat, bread can be made from it, which is the material of this sacrament. But if there is a large mixture, for example, equal or almost equal, such a mixture changes the species, so that the bread made from it will not be the proper material. And so, Salm. says the same, ibid., n. 8 and 10, in common). 5. A sticky bread, which is disposed to corruption. Bonaventure, l.c., n. 5. (This would be the case if the taste were altered in any way, and then it would be mortal to use it. Palaus and Concina). 203. — 5. It is the same regarding the validity of the sacrament, whether the bread is leavened or unleavened, as defined by the Council of Trent, because both are customary and properly called bread. However, the Latins are bound in their churches to use unleavened bread, and the Greeks to use leavened bread, under a grave precept, and with mortal guilt, from which necessity does not excuse, e.g., giving communion. See Bonaventure, d. 4, qu. 2, p. 4; Fill., t. 4, c. 3, qu. 8; Card. de Lugo, l.c.; and it is the common opinion with Soto, Suar., Layman, and Salm., ibid., n. 49. Thus, the Council of Florence, in the Decree to the Armenians, § 2, defined: "We define that the body of Christ is truly made in unleavened or leavened wheat bread. And the priests in either [type] must make the very body of the Lord, each according to the custom of his own Church, whether Eastern or Western." Hence, His Holiness Pope Benedict XIV, in the constitution concerning the rites of the Greeks, of the year 1742, although pastoral, under the penalty

of perpetual suspension from divine duties, confirms the prohibition that a Latin or a Greek should celebrate outside of his own rite. 203. — But it is doubted: 1. Whether a Latin in Greek lands can celebrate with leavened bread, and a Greek in Latin lands with unleavened bread? The Doctors agree that if a church of Latins is found among the Greeks, in which the Latin rite is observed, the Latin priest must consecrate with unleavened bread; and conversely. Thus, Suar., d. 44, sect. 3, v.; Cont. Tourn., de Euch., cap. 3, art. 1, concl. 2; Holzm., n. 242; Spor., n. 149.

[*Latin ed. p. 30*]

Psalm. on the Eucharist, chap. 4, p. 1, no. 21, with Sanchez, Bona, etc., generally. It is doubtful when the Latin rite passes through Greece (or vice versa). Ledesma, apud Salm., ibid., no. 20, believes that it is permissible to celebrate in leavened bread. Conversely, Vasquez, d. 174, c. 3; Council of Trent, t. 8, p. 249; and Aversa, qu. 2, sect. 4, say that it is permissible to celebrate in unleavened bread. Furthermore, generally, and most probably, Nat. Alex., art. 3, prop. 4, reg. 12; Antoine, c. 1, q. 2; Suar., Cont. Tourn., ibid.; and all those cited shortly, teach that the Latin rite can then celebrate either in leavened bread or in unleavened bread. In leavened bread, according to the teaching of St. Augustine, Epistle 118, chap. 2, where he says: "There is no better or more prudent Christian practice than to act in such a way that one would seem to be acting as the Church would act, should it happen to find itself in any particular circumstance." It can also be celebrated in unleavened bread, because, although it is good to follow the custom of the region where one is found, one is not obliged to do so, as Suar. and the Glossary in c. Quæ contra, dist. 8, point out. Furthermore, because Pope Leo, in his Epistle to Michael Cerularius, c. 29, advises (as Suar. reports) that each one should be allowed to celebrate according to the rite of his Church, even if he is in a foreign land. 2. Is it permissible, in a case of necessity, for a Latin priest to consecrate in leavened bread in order to give the Eucharist to a sick person? Major and Tanner, apud Renzi, c. 1, q. 4, affirm this, because, as they say, the divine precept to receive the Eucharist must prevail over the human precept to celebrate in unleavened bread. But the common and more probable opinion, held by Navarr., c. 21, n. 3; Cont. Tourn., l. c.; Antoine de Euch., q. 2; Suar., d. 66, sect. 5; with Soto, Gabr., Led., Vict.; Diana, part. 10, tract. 16, r. 39; Croiæ, n. 431; Renz., l. c., with Palao, Laym., Tamb., and Bonac., is that in this case, reverence for the Sacrament must be preferred to the benefit of the person to whom the Sacrament is not simply necessary. 204. — Setting aside any scandal, it is only venial to consecrate a broken or stained host without a reasonable cause; unless the break or stain were enormous: in that case, it would be mortal, as Croiæ, n. 432, with Quart. and Pasq., state. However, if a break is discovered after the consecration, that host is consecrated, unless there is fear of scandalizing the people. Croiæ, ibid., with Gob. 205. — "Response 2.

According to the precept of the Church, the bread to be consecrated must be in the form of a round (in the Latin Church) and whole." I said "round," because "the Greeks use a square, and in the particles, a triangular shape," as Arcud. states. It is also permissible to celebrate privately with a smaller host, such as is given to the laity, when "another cannot be obtained, and there is no scandal," indeed, "if the reason is urgent, even publicly on a feast day," as March., in Candel., t. 4, c. 5, q. 3; Diana, p. 5, t. 13, r. 80, and p. 6, t. 7, r. 17; and Tamb., de exped. sacrif., l. 2, c. 8; and Avers., q. 11, sess. 12, teach, because there is no precept, nor is there any custom that is binding under a precept. "(This is admitted by Tamb., §. 8, no. 16, even for a reason of devo-

[*Latin ed. p. 31*]

tionis, and agree with Ronc. c. 2. q. 6. r. 3, as well as Quarti, and Elb. p. 69. n. 15, with Gob. If there is no scandal, which can be prevented by warning the people. Indeed, Ronc. adds that the priest is obligated to consecrate in the smaller host, if it were to be given as Viaticum to the sick.) • In that case, it is permissible to elevate the consecrated larger host from another, according to Tamb. l.c. against March. and Diana ll. cc. However, it is not permissible to take the smaller host and leave the larger one (e.g., to expose it in the sacristy), unless he himself has also consecrated that one in the same Mass, because he must communicate from his own sacrifice. Tamb. l.c. Therefore, the parish priest acts wrongly who, intending to renew the Eucharist, takes the host consecrated by another and puts the one he consecrated back in the sacristy or the sacristy. Tamb. l.c. Card. de Lugo d. 19. sect. 4. DOUBT IV. What wine is the matter of the Eucharist? 206 What wine is not a suitable matter? I. Sidera, etc. II. Agresta, III. Acetum. IV. Uvae. V. Mustum decoctum. 307 What is a valid, but illicit, matter? I. Mustum. II. Wine mixed with something else. III. An acecens. IV. An congelatum? 308 Is water to be mixed with wine under a serious precept? And what kind of water, and in what quantity? And is the mixture to be made in the chalice? 309 Is the water mixed with wine immediately converted into blood? 310 What quantity of water should be mixed in the chalice? What if blood falls on the altar, the linen, or the corporal, etc.? 206. — ANSWER. 4. Only the wine of the vine, as faith teaches, and as is defined in Florence. Therefore, it is resolved: It is not a suitable matter for a valid consecration. 4. Sidera, and any liquid from dates, pomegranates, etc., whether it is called wine or not. II. Agresta, or omphacium, that is, the juice expressed from unripe grapes: because it is not wine, but is on the way to becoming wine, and has not yet acquired its nature; it is like raw dough in relation to bread. Laym. l. 5. t. 4. c. 2. n. 5. and 6. However, the juice expressed from ripe grapes is considered consecrable by Franc. Amic. apud. Diana, p. 7. c. 42. r. 8, because it is true wine. III. Acetum, which is wine substantially corrupted. Ibid. If, after consumption (indeed, even before it, after the consecration

of the chalice), there is doubt whether it is vinegar or wine, it should be presumed that it is wine, according to Tamb. l. 2. exped. sacrif. c. 8. • (But see the following annotation, which will be said shortly) IV. Grapes, or wine contained within the grapes, or imbibed in the dough of bread, both because it is not so much a drink as food; and because that juice...

[*Latin ed. p. 32*]

It is not properly called wine until it has been pressed; this is because, in that state, it does not sufficiently demonstrate its nature through its form. Card. de Lugo, d. 4, n. 41 and 42; Laym., etc. V. Sapa, or *defrutum*, that is, must that has been boiled down to about half or a third of its original volume, because it is not truly wine, nor a drink, but food. Bon., l. c., VI. Lora, that is, water in which the skins of grapes have been steeped. Fill., l. 4, c. 3. Card. de Lugo, d. 4, sect. 4, n. 9. Note what is stated about these in the *Rubricae Missalis*, title 4, n. 1. If wine has been completely turned into vinegar, or has completely rotted, or has been pressed from unripe or immature grapes, or if only water has been added to it, such that the wine is corrupted, then the sacrament is not validly conferred. It should be noted that wine pressed from unripe grapes is unsuitable only when it has no appearance of wine, as taught by D. Th. 3, p. qu. 74, art. 5, ad 3, where it is said: "It is unripe in the way of generation, and therefore it does not yet have the appearance of wine, and for this reason, this sacrament cannot be validly conferred from it." As for wine that has become vinegar, if, after consecration, the priest prudently doubts whether the substance was truly wine or vinegar, Tamb. de Sacr. Miss., l. 2, c. 8, §. 5, n. 6, and Spor., c. 3, n. 457, along with Bus., as above, and Mazzot., t. 3, p. 418, state that it should be judged that the substance was suitable, because possession is taken as representing the substance of wine; and because the sacrifice should not be disturbed without certain grounds. However, La Croix, l. 6, p. 2, n. 535; Pasq., qu. 301, and Aversa, qu. 41, s. 46, rightly believe that that consecration should be supplemented, so that the sacrifice is not left in danger of being incomplete, contrary to the precept of offering a complete sacrifice. The arguments to the contrary are weak; how can possession be taken as representing wine when there is doubt as to whether, at the time of consecration, the substance was wine or not? Furthermore, in determining whether consecration has truly been performed, the truth of the matter must be considered, not a presumption. However, the sacrament should not be disturbed without certain grounds, but we have already stated that there is a certain ground or obligation to complete the sacrifice when it is certain that there is doubt about whether consecration has been performed. I believe, however, that it is not necessary to consecrate the wine again absolutely, because then the same danger would arise of performing a second sacrifice that is incomplete, if it should happen that the previous substance was truly suitable. Therefore, I say that this second consecration

should be performed under the condition that the previous substance was not consecrated; for the danger of leaving the sacrifice incomplete is a just reason for repeating the consecration under the aforementioned condition.

207. — « 2. A valid consecration, but illicit. I. In must » (In which it is validly consecrated, as stated in Salm. de Euch., c. 4, p. 2, n. 30, along with Pal., Lugo, etc.) « because it is not simply wine, but impure, having mixed in it substances that are not consecrable; therefore, the precept of the Church, obliging under a mortal sin, according to Suarez, at least outside of necessity, such as would be the defect of old wine, and according to some, even the devotion of the people; how many excuse themselves...

[*Latin ed. p. 33*]

Against Suarez, who holds that in certain places the first pressing of grapes is expressed into the chalice. See Bonaventure, *locus citatus*, II. In wines and other liquors, or in flavors, if they are mixed in such a moderate way that the nature of the wine is preserved. But if the mixture is immoderate, it is a doubtful substance. III. In wine that is fermenting: because it is still wine, just as a sticky bread is still bread. (See below, Question I.) IV. There is also a probability in frozen wine (although some, because of the authority of those who deny it, say that it is a doubtful substance), both because it still retains the substance and the denomination of wine, and because it is, by its nature, drinkable; and also because Christ remains under it after it has been consecrated. Cardinal de Lugo, *locus citatus*. It does not matter that frozen water is not the matter of baptism; because here it consists essentially in ablution, whereas the Eucharist consists in the taking. Nor does it matter that it is not immediately drinkable: because this is accidental, and can easily be remedied, and there is the same reason in hardened bread. But it is different in a liquid that has not yet been expressed from grapes, because it is not wine simply and by itself, and is not drinkable by its nature, but is edible, which does not apply to frozen wine; otherwise, it would break the fast. Bonaventure, *locus citatus*, number 40. (See below, Question II.) However, he sins who consecrates in frozen wine, and therefore, if the chalice freezes in winter, it must be melted by the warmth of the hands, or by some other means. Fulgentius, *tractatus*, 4, chapter 3. Layman, *locus citatus*, 5, tractate 4, chapters 2 and 3. The consecration in wine is valid and licit, whether it is white or red, even though the physical species differ: because both are taken, and are simply wine from the vine. Bonaventure, page 2, number 2. Cardinal de Lugo, *locus citatus*.

Question I. Does a priest sin mortally who consecrates in wine that is fermenting?

Salm, *de Euchar.*, chapter 4, page 2, number 26. Palearius, *eod.*, title, page 4, number 9. Suarez, *Vict.*, Vasquez, Layman, and the Council, and Bonaventure, page 2, number 5, with others, hold that he sins mortally

when the wine is very close to the nature of vinegar, so that one doubts whether the qualities of the wine have already been lost. I respect the authority of so many learned Doctors. But I do not know how this opinion can be maintained, when it is expressly contradicted by the Rubric, title 4, number 2, which says thus: "If the wine has begun to ferment or to spoil, or if it is somewhat sour, or if it is must freshly pressed from grapes, or if water has not been added, or if water has been added that is rose-colored, or of another distillation, the sacrament is confected, but the confector sins gravely." Therefore, the Rubric condemns as mortal not only the one who uses wine that is very close to vinegar, but also wine that has begun to ferment, or is somewhat sour. But this principle of sourness or fermentation must be understood according to what St. Thomas teaches, *Summa Theologica*, 3, partiae, question 74, article 5, 2: "It is possible to confect (the sacrifice) from wine that is fermenting, just as from bread that is on the way to corruption, although the confector sins." Therefore, in wine that is fermenting, different degrees must be considered, some outside, and some inside, the way to corruption. Hence, the Rubric must be understood according to St. Thomas, when the wine, or the bread, has already entered the limits of corruption, so that it is...

[*Latin ed. p. 34*]

Piety has already been offended, that is, it has reached the point, as the Cardinal Lamb says in Notification 77, no. 2. Furthermore, the same Lamb, citing Merato, vol. 4, p. 3, title 4, with Quarti, states: "If necessity compels the celebration, or if a priest cannot omit the sacred rite without notice, as happens among religious who are bound to celebrate according to the rule, and if they do not have another wine available, they do not sin by using wine that is subject to this condition..." And although using such wine is contrary to the reverence of the sacrifice, this irreverence is not imputed to the celebrant, but to the superior or minister, who is the cause of that voluntary act. Furthermore, when the wine is so close to vinegar that one doubts whether it has lost the nature of wine, the consecration will indeed be doubtful, and in the Rubric, such a consecration is considered certain, as it is stated, "the sacrament is completed"; therefore, according to the Rubric, and according to the opinion held by other authorities, as Abelly states in *De Euchar.*, section 3, no. 4, and Mazzola, vol. 3, p. 418, it is certainly mortally sinful to consecrate in wine that is turning sour, not only when the substance is doubtful, but even when it is certainly valid, but is considered illicit due to the irreverence of the sacrament. Suarez, cited by his opponents for his opinion, does not disagree with this, when he says that one can gravely sin in this case, either through doubt or irreverence. And St. Thomas explicitly teaches this in *Summa Theologica*, 3rd part, question 74, article 5, ad 2, where he says: "The sacrament can be conferred with wine that is turning sour, just as it can be conferred with bread that is

on the way to corruption, although the one who confers it sins." However, Gobius, case 2, no. 154, Sporer, vol. 3, p. 442, no. 153, and Croix, book 6, p. 2, no. 546, probably state that, if another wine is lacking, it is permissible, as good men are wont to do, to use wine that is only slightly sour, or not noticeably acidic. Sporer and Mazzotta add that, in the case of a grave necessity, it is permissible to use wine that is still noticeably sour, provided that it is certainly wine.

Question II: Is frozen wine a valid matter? There are three opinions. The first opinion denies this, and it is held by Lessius in 3rd part, question 74, article 5, no. 24, Concilious, vol. 8, page 251, no. 7, as well as Armilla, Led, Alan, Henr., etc., apud Renzi, *De Euchar.*, chapter 4, question 35, and Salm. *De Euch.*, chapter 4, p. 2, no. 34, considers it probable. The reason, they say, is that just as the bread to be consecrated must be suitable for consumption, so too must the wine be suitable for drinking; but frozen wine is not suitable for drinking. However, the second opinion, which is truer, affirms this, and it is held by Sporer, no. 159, Salm., ibid., nos. 32 and 32, Anacl., p. 556, no. 25, Renzius, *l.c.*, with Pontius, Pasquius, Tamb., Leand., etc., and Holzm., no. 847, Suarez, d. 45, sect. 1, *in fine*, consider it more probable. The reason is that although frozen wine is not actually drinkable, it is nevertheless drinkable by its nature, just as hard bread is comestible. This is clearly demonstrated in the Rubric of the Missal, in the section on defects: "In winter, if the blood freezes in the chalice, wrap the chalice in heated cloths, etc."

[*Latin ed. p. 35*]

Until it liquefies. Therefore, the Pontifex argues that through freezing, the species of wine are least corrupted, otherwise, it would no longer be the Blood of Christ; for wine, once it has lost its nature, cannot regain it, because, according to a common axiom of philosophers, there is no return from privation to habit. Therefore, frozen wine is true wine. I know not how one can respond to this reasoning. Thirdly, the opinion held by Pal. p. 4. n. 8. Cont. Tourn. de Euch. cap. 3. art. 2. sect. 4. concl. 4. in fin. and Salm. cit. n. 34, teaches that it is a doubtful matter, since the first opinion does not lack all probability. However, I believe that it is not permissible for anyone to consecrate in frozen wine; at least out of reverence for so great a sacrament. But if the wine has been frozen, and afterwards liquefies, it seems very probable, as Suarez, Salm. ibid. n. 35, and Con. state, that it can lawfully be consecrated in it. But in the case where a priest has illicitly consecrated frozen wine, it must be held to be truly consecrated, and he would not lawfully be able to consecrate another wine, because I believe that the first opinion cannot be refuted by solid probability. 208. — « Resp. 2. When consecrating wine, water must be added, not out of necessity of the Sacrament, but by a grave precept under a mortal obligation, according to Card. » (With Catech. de Lugo de Euch. d. 45. s. 2. n. 22. "Mix with water: »

(With Catech. Rom. n. 16.) » And this is done ceremonially, and in order to the sacrifice. » It is certain, as is clear from Trid. sess. 22. c. 7. and 9. » (And previously it was prescribed in c. 2. de Consec. dist. 2. Whether this precept is also divine? Valent. and Gran. affirm; Suarez and Vasquez deny; both opinions are probable.) » Whether this water is immediately converted into blood, or not, is disputed by Schol. See » Con. vel Præp. hic Card. de Lugo dist. 4. sess. 3. » (See what will be said next in n. 209.) Therefore, one resolves: 1. If this mixture is omitted, the consecration is still valid, and if it is illicit, it is mortally so. Thus, all who communicate. 2. Natural water must be mixed, and it must be very little, as Plorentinum says, namely, one or two drops; but in such a way that it is perceptible, and does not exceed one-third of the wine; otherwise, it makes the matter doubtful. Bon. p. 4. n. 4. from S. Thoma, Con. etc. » (See what will be said in n. 210.) » But he who mixes in rosewater, or another artificial substance, and is in necessity, and if he validly consecrated, he would still sin mortally. S. Th. Mol. Diana, p. 6. t. 7. r. 48. because he would be acting against a precept, and the custom of the Church in a grave matter. » (This is common with Salm. de Euch. c. 4. p. 4. n. 68.) » For this reason, Fagund also considers it to be a mortal sin, p. 2. l. 2. c. 4. Pers. etc. to mix in warm water:

[*Latin ed. p. 36*]

which, however, seems too harsh to some, according to St. Augustine in "De Civitate Dei," book 6, chapter 10, where he adds that, if the custom is to do this in the coldest regions, so that the wine does not freeze, it can be done without any sin. 3. This mixture must be made, not in a cask or flask, or any other vessel, but in the very chalice, and neither at home, but in the very sacred place, as is customary, or before the altar, or certainly immediately before the altar, as is done by some: and this must be done either by the priest himself, as in a private Mass; or by a subdeacon, as in a solemn Mass; for it is not sufficient if the sacristan dilutes it. (See Bonaventure, "De Sacramento Eucharistiae," book 1, chapter 11). (With St. Thomas, part 3, question 74, article 8, ad 3, who says that, if water were added to a cask, it would not suffice for the signification of this sacrament.) 4. If this mixture is omitted, and it is noticed before the consecration of the chalice, it must still be done; otherwise, if it is noticed after. (Bonaventure, "De Sacramento Eucharistiae," book 1, chapter 11, number 5). 5. This precept of mixing does not extend to that which is done after Communion, for the ablution of the mouth and fingers. See on this subject the Roman Missal, as well as Bonaventure, book 4, question 2, paragraph 4; Lamerini, book 5, treatise 4, chapter 2.

209. — I ask: Is the water mixed with wine converted into the blood of Christ? And is this conversion immediate? It is not a matter of faith that water is converted into blood, although Innocent III said in "De Cel. Missa" that the opinion that it is converted is more probable, and this

opinion is indeed common today among theologians, as all teach with St. Thomas, part 3, question 74, article 8, who says that the opposite opinion cannot stand. Regarding the manner of conversion, some have said that, just as wine is converted into blood, so water is converted into the water that flowed from the side of Christ; but the same Doctor says in the same place: "Nor can this be said reasonably, because, according to this, the water would be consecrated separately from the wine, just as the wine is from the bread." Others, as the same St. Thomas says in "Summa Theologica," book 3, question 74, article 8; Scotus, book 11, question 7, number 2; Gonet, "Manuale," volume 6, page 208; Frassen, volume 44, page 94, and most commonly the Thomists and Scotists, with the Roman Catechism, part 2, chapter 4, number 17, say that the water is immediately converted into wine, and mediately into the blood of Christ. The reason is that it is not converted into blood unless it is a material that can be consecrated, which is only the wine of the grape, according to the Florentine and Tridentine Councils; therefore, water cannot be converted into blood unless it is first converted into wine. They do not say that the rubric of the Missal, which commands that, if, through forgetfulness, water has not been added to the chalice, it should be added immediately before the consecration, is an objection; in this case, it seems that the conversion of water into wine cannot happen so quickly, and there would be a danger of idolatry, because the unconsecrated material would be worshipped. For they reply that, in this case, the substantial content, which is represented by the chalice, is worshipped, that is, the blood of Christ, and not the other things that are not demonstrated by the chalice, just as a fly that falls into the chalice is not worshipped. However, others, as Tournhem, "Praelectiones Theologicae de Euchaestia," question 4, article 7, conclusion 2, and in his "Controversiae," book 3, article 2, section 2, conclusion 3; Lamerini, chapter 2, number 9; Tollet, book 2, chapter 25, say...

[*Latin ed. p. 37*]

In Book 4, section 3, along with Renzi, chapter 1, question 39, and with Alan, Baronius, and the Council (and Anacl. considers it probable), they hold that the water immediately transforms into the blood of Christ. They prove this with: 1. The authority of the Fathers, who say that blood is produced from wine and water, as St. Jerome states: "He forms His blood from wine and water mixed together." St. Ambrose: "Wine mixed with water in the chalice becomes blood through consecration." You can find other Fathers cited by Lugo, number 48. 2. By reason, because, according to more recent physicists, the transmutation of elements is denied, since these elements can be well separated by the art of chemistry, as we said regarding baptism, number 104. And they claim that Innocent supports this opinion in his work, chapter concerning Martha, where the Pontiff says that it is more probable that water is transformed into blood when mixed

with wine. He does not say that water is transformed into wine, but water mixed with wine; therefore, before consecration, the water remains water. They do not object that it is impossible for another substance other than wine to be transformed into blood, but they respond that wine mixed with a small amount of water becomes true, usual wine, and therefore the entire substance becomes consecrable, just as if a small amount of another grain is mixed with wheat flour, the entire substance is consecrated, as stated in number 201, and as taught by D. Th., question 74, article 3, ad 3, because (as he says) a small amount does not destroy the essence. The same should be said of water mixed with wine. Both opinions are sufficiently probable.

240. — Question II: What quantity of water should be added to the chalice? Habert, volume 5, page 378, says that priests who add only a single drop of water should not be considered blameworthy; but Bonac., book 4, question 2, page 4, number 4, Wigandt, book 2, number 9, Anacl., page 558, number 32, and, with certainty, Suar., book 45, section 3, based on the decree of Eugene IV, which stated: "A very small amount of water is usually added to the wine before consecration"; and from D. Th., question 74, article 8, ad 1, where he says that it is not necessary for the quantity of water to be large, but that it is sufficient if it is perceptible. Conversely, Laym., chapter 2, number 9, Pal., page 5, number 6, and Diana, page 3, treatise 4, response 47, probably say that it can be added without scruple up to one-eighth of the mixture; and Lugo, book 4, number 38, Viva, question 4, article 3, number 3, and Croix, book 6, page 4, number 439, with Gob., (against Bernal), up to one-fifth, because (as they say) no wine is considered so weak that such a small amount of water would corrupt it. Indeed, Bus., as mentioned above, and Spor., volume 3, page 443, number 463, believe that it is sufficient if the water does not exceed one-third; and this seems to be proven from the decree Perniciosus, 43, concerning the celebration of Mass, where Honorius III prescribes only: "More wine should be placed in the chalice than water." And in the Council of Tribur, (cited in Cont. Tourn. de Euch., chapter 3, article 2, section 1, conclusion 2, see Question 4), it was said: "There should be two parts of wine, and one-third of water." However, in the previous work, Escob., volume 3, problem 29, Viva, and Pal., books, chapters, do not accept the opinion of one-third, unless (as they say, Escob. and Pal.) the wine is generous. It should be noted here what is found in the Rubric (title 10, number 42):

[*Latin ed. p. 38*]

If any of the Precious Blood should fall, whether upon the earth or upon a table, it is licked up by the tongue, and the place itself is wiped as much as is necessary, and the wiping is burned; and the ashes are placed in the sacrarium. But if it should fall upon the stone of the altar, the priest soaks up the drop with a cloth, and the place is well washed, and the washing is thrown into the sacrarium. If it falls upon the linen of the altar, and the drop

reaches another piece of linen, if it reaches a third, the linens are washed three times; the chalice is placed upon them, and the water of the washing is thrown into the sacrarium. And the same is said if the blood falls upon the corporal, the vestments, or the altar cloth.

QUESTION V. What conditions are required for the matter of consecration?

211. For a valid consecration, it is required that the matter be morally and sensibly present.

212. Hence, the hosts are validly consecrated in a closed ciborium, or in the darkness, etc.

213. However, it is invalidly consecrated if the matter is behind the priest, or against a wall.

II. If the matter is removed.

III. If the matter is very small in quantity.

214. It is also required that the matter be certain and determinate.

215. Can the hosts be consecrated by an ignorant priest? And can separated drops of wine be consecrated?

216. The consecration is valid:

I. If the priest intends it in some way.

II. If he believes the hosts to be fewer in number.

III. If, after intending to consecrate them, he forgets about them.

217. What if the ciborium is left outside the corporal by mistake?

IV. If the hosts are carried away after the oblation.

218. What is required for a licit consecration?

219. In what cases does the celebrant sin in consecrating?

214. ANSWER: Four things are required for a valid consecration:

First, that the matter, to be consecrated, be morally and sensibly present to the priest who is consecrating. This is commonly understood, and is certain. The reason is sought both from the institution of Christ, and from the words of the formula, "Hoc est corpus meum," and "Hic est sanguis meus," which would not be verified if they were demonstrative of something absent; also from the perpetual practice of the Church, which never consecrates, nor even blesses, things that are absent; and also from the nature of the sacrifice, which requires a present offering. See Bonac. d. 4. q. 2. p. 6. Laym. c. 2.

Therefore, it is resolved:

212. 1. Wine is validly consecrated in a covered chalice, in a vase, or in a closed jug; bread in a basket; hosts in a ciborium, or in a pile, hidden under other things, or otherwise covered, e.g., under the corporal, or a cloth, or even in the Missal, as Suarez and Henriq. teach. Bonac. contra Laym. l. 5. t. 4. c. 2. (from which it may seem that at least a grave sin would be committed

by one who consecrated things so hidden or concealed). Also, hosts present are validly consecrated by a blind man, or another priest.

[*Latin ed. p. 39*]

• (This is common with St. Augustine, *De Euch.*, chapter 4, paragraph 6, number 120. And it suffices, if the presence of the substance is certified by the testimony of another, as St. Henry, *Praep.*, etc., states in St. Augustine, *ibid.*, at the end.) • The reason for all of this is that the presence and perception of the substance do not require that it be seen, or touched, or struck by the sound of words (hence, it is commonly not approved of, the practice of those who bring their mouth close, so that they may breathe into the chalice and the bread), provided that it can be seen, either in itself, or in another, for example, in its entirety, or in the vessel containing it, or in the vessel intended to contain it. See St. Bonaventure, *Dist.* 4, question 2, paragraph 5, number 213.

• 2. The substance is not validly consecrated if it is placed behind a wall, or behind the back, or is enclosed in the tabernacle, as St. Fulgentius, St. Bonaventure, *Qu.* 2, paragraph 6, and others teach. The reason is that, morally speaking, it is considered to be absent; because it cannot be demonstrated by the words "This" and "Here"; nor does the wall have itself as a container, or as something that touches.

II. The substance is not validly consecrated if it is very far away, for example, a hundred paces distant, even if it can be seen. The reason is the same. How much proximity is sufficient is doubtful, and depends on the judgment of moral prudence. St. Henry, book 8, chapter 34, teaches that 20 or 30 paces. (Lugo and Gabr., in St. Augustine, *De Euch.*, chapter 4, paragraph 6, number 445, at the end, believe that consecration at 20 paces is certain), while St. Bonaventure, *l.c.*, and others believe that it is not certain. See Scholasticus III.

The substance is not validly consecrated if it is so small that it cannot be perceived by the senses: both because it cannot be demonstrated, and because the sacrament must be a sensible sign. Thus, Suarez, Vasquez, and others, against St. Henry, understand this to mean, if it is not in its entirety, but outside of it, because even the smallest parts of it are consecrated: as is clear from the Council of Trent, session 13, chapters 3 and 4, and St. Bonaventure, *l.c.*, number 214.

• The second condition is that the substance must be certain, and determined by the intention of the consecrator, and in the individual. This is common among St. Bonaventure and others: both because the pronouns "This" and "Here" require it; and because the actions are about singular things, which must be certain and determined. See St. Bonaventure, *l.c.*, paragraph 5. Therefore, it is invalidly consecrated if someone were to intend to consecrate only a third, or half, of the host, without determining it, or, from among many, for example, twenty present, only four or five, with-

out designating any of them; because there is no reason why one should be consecrated more than another. Also, if someone intended to consecrate those hosts, or those parts of the hosts, or of the wine, which God has chosen, or Titius has designated, or those parts that remain together after the species have been broken, and not those that are separated: because it is not a defined substance. St. Bonaventure, *l.c.*, paragraph 5, number 215.

• 2. The host is not validly consecrated if it is placed unknowingly by the priest, either in the corporal (though separate from the pile), or underneath it. Council of Trent, decree 3, paragraph 4.

[*Latin ed. p. 40*]

74. art. 2. d. 3. et alii. The reason is that it is not determined in the mind of the priest, whose will is not directed to the unknown. Similarly, the droplets that adhere externally to the chalice are not consecrated, because they are not intended; indeed, as the authors Suarez, Reg. c. 2, l. 29, and Layman, l. 5, t. 4, c. 2, n. 15, and the Council, q. 74, d. 2, against Tann and Bon, teach, neither are those droplets that adhere internally; because the intention of the Church seems to be to consecrate that which is, by its very nature, a continuous whole within the chalice, and therefore the priest must also intend this. Therefore, to avoid the need to be concerned about removing the droplets, the priest will do well if he once and for all intends not to consecrate them, just as he does not consecrate the crumbs of the host that adhere. See Diano, p. 2, t. 3, m. r. 16, and p. 3, t. 4, r. 32, and Escobar, l. 7, e. 6, where he teaches that the priest, by the very act of consecration, intends to consecrate only that which is a continuous, drinkable portion within the chalice, and therefore those small droplets are not consecrated. This opinion is probable, as stated in Suarez, Reg., and Layman, l. 5, t. 4, c. 2, n. 15.

It is questioned whether the droplets of wine, which are in the chalice and separated, are consecrated, when the priest intends nothing concerning them? Some deny it, as Busembach does. Others affirm it, as Croia, l. 6, p. 1, n. 449, states, along with the Prefect's Dictionary, etc. Others finally affirm it concerning droplets that are close by, and deny it concerning those that are distant. Platel, apud Croia, ibid., notes that if the priest notices such droplets immediately before consecration, if they are nearby, he should mix them in; if they are distant, he should either wipe them away (as Tanner says apud Busembach, at the end of this question, that it is not necessary), or exclude them from his intention. But Croia also says that it is permissible to include them in his intention, so that there is no wine in the chalice that has not been consecrated (1). Thus, Croia also says, against Busembach, that the priest should consecrate the crumbs that adhere to the hosts, but not those that are separated in the paten or corporal; and it does not matter if, by taking them up, the fast is broken, because it seems more important to avoid irreverence towards the sacrament than to observe the fast. If, how-

ever, the crumbs are in the ciborium, he should also intend to consecrate them, since there is no danger of losing them.

216. — 3. The consecration is valid, I. If the priest intends to consecrate only five of the hosts present, determining which ones, or all of them except the lowest and the highest in the pile, or all of the even ones, e.g., the second, fourth, sixth, if they are arranged in order, and he determines from where the counting should begin; this, however, will be a grave sin. But if, or in another case, unconsecrated hosts are mixed with consecrated ones, the entire pile must be brought to the altar, so that the priest intends to consecrate the unconsecrated ones; or rather, the entire pile is consecrated under the condition that they are not consecrated. • (And this is the better course of action, because when consecrating hosts)

(1) « Regarding droplets of wine that are separated, but within the chalice, La Croia says that it is advisable for the priest to intend to consecrate them, but it seems better to intend to consecrate the droplets that are close to the bottom, and not those that are distant. » Hom. Ap. Examen Ord. n. 99. Edit.

[*Latin ed. p. 41*]

"The hosts must be consecrated, for without a true determination of the matter, the words 'Hoc est enim corpus meum' cannot be verified, and therefore all hosts must be consecrated under this condition, that they be validly consecrated; thus Lugo, book 4, number 436; Salm, on the Eucharist, chapter 4, page 7, number 129, with Laym, Dictionary of Adverse Opinions, Leand, Dian, etc. And this can also be done licitly, as Salm says, ibid., at the end, with Laym, Dictionary, Dian, Leand, against Lugo, and Silv. on Afflictions.

'Cardinal de Lugo, book 4, on the Eucharist, number 36, II: Even if he intends to consecrate one, or two, or six hosts, even if there are more, whether placed by himself or by another, because a speculative and private error does not obstruct the practical and absolute intention of consecrating all that are present, which each is considered to have implicitly, as taught by Sylv. Henr. and Suar. (With Nav. Bon. Vasq. Conin. Lugo, and commentary in Salm, ibid., number 128.) 'Therefore, if the priest notices after the consecration that two are joined together, he will take both as consecrated, as the Missal directs. If, however, he notices before the consecration, after he has offered them, he will separate one, and after Mass, he himself, or another, will take it, as consecrated bread.

III. If someone has brought more hosts to the altar, or has reasonably noticed that others are being brought to be consecrated by him, or has been warned before the sacrifice about hosts already placed on the altar, the reason is: all are consecrated by him, and while he is consecrating, he does not expressly remember them, or even does not reveal it at the offering, provided they are present in the corporal, or at least on the altar. Thus

Regin, book 27, number 49; Laym, book 5, part 2, chapter 2; Bon, part 1, book 4, question 2, page 2, and others cited by him; and this is a safe opinion in practice, because the preceding intention with respect to them virtually perseveres.

217. — When a chalice to be consecrated is placed by a cleric on the corporal, and he, being aware of it, intends to consecrate it, it is certain that he does consecrate it, even if he does not later notice it. This is the common opinion, as Croiae says, book 6, page 4, number 456, with Pal, Dictionary, and Salm, on the Eucharist, chapter 4, page 7, number 125, with Gavant, and Suarez. But it is doubtful whether a chalice, considered consecrated, should be considered consecrated if it was left outside the corporal through forgetfulness? The first opinion, with Tanner and Præp apud Croiae, book cited, which is called probable, affirms, because, as they say, the will to consecrate was already present, and was not retracted. The second opinion, however, which is common and more probable, denies it, with Suar, Dian, Pal, Less, etc., with Croiae, ibid. The reason is, because, since the intention to consecrate outside the corporal would have been a grave sin, you would not presume that you had it. But because the first opinion does not seem improbable, when the matter is doubtful, reasonably, Benedict XIV, in 'De Sacr. Miss.', book 3, chapter 18, number 6, says that the chalice should be consecrated again; or, as Cont. Tourn. says, in 'De Euch.', chapter 3, article 2, section 1, post. concl. 2, v. Quæres 3, at the end."

[*Latin ed. p. 42*]

In practice, these particles should be taken after the blood; and I add them after the ablution, but before the purification, because the relics of the blood are certainly a sacrament; but those hosts in the ciborium are doubtful. However, Cont. Tourn. and Croix, in their respective works, state that they can also be consecrated in another Mass, under a certain condition: but this does not please me, because there does not seem to be a just reason for consecrating them under a condition, when they can already be taken. IV. If small hosts are brought to the priest for the people to receive, a little after the offering has been made (Aversa adds in question 44, section 12, before the beginning of the Preface), it is permissible to consecrate them, supplementing the offering mentally, as Gavant and Possevus teach in Diana, page 2, volume 14, section 71, and in Tam. de exped. sacr., book 2, chapter 5. (And this even if the canon has begun, as Tamb. states in chapter 5, section 2, with Gob. Burg. Quarti, Diana, and Possevus, in Croix, number 460. Salm., when several remain without communion; and Benedict XIV agrees in De Sacr. Missæ, book 3, chapter 48, number 5. If, however, only one remained, the Code there suggests giving him a portion of the larger host: which can already be done lawfully, as Croix states in number 508, with St. Anton., Sylv., Bon., Sa., Tamb., etc. And this is sufficient reason, if the person about to receive communion should have to wait a long time for

communion.) 218. — "Response 2. For a lawful consecration of matter, it is required that 1. the quantity not be greater than what can be taken at an opportune time, because there would be danger that the species would multiply. Bon. in that place. To avoid departing from the usage of the Church, especially as prescribed in the Missal. Therefore, it is resolved: 219. — "It is sinful: I. If the vessel in which the hosts are to be consecrated is not opened. II. If the matter is consecrated that is placed outside the corporal. III. If one intends to consecrate the drops of the chalice that are adhering externally, which would be a grave sin; concerning those adhering internally, there is doubt, because it is not certain that the intention of the Church is to avoid this, and therefore Gavant, in part 2, title 7, orders that they be wiped away, which custom confirms. However, Tamb. in book 3, chapter 4, section 3, teaches that one does not sin if one omits this, indeed, he does not even consider it necessary, if one notices that the drops are present when one is about to consecrate with the uncovered chalice, and the people are awaiting the elevation. After consecration, in no way should they be wiped away. IV. If one were to decide beforehand: I do not wish to consecrate the hosts placed there, unless at the time of consecration, or at least the offering has been remembered. Thus, the Preposition states in this article, number 3, Laym. in the cited work, although Tamb. in de exped. sacr., chapter 4, section 3, does not recognize any sin in that case.

[*Latin ed. p. 43*]

QUESTION VI. What is the form of consecration of the Eucharist? 330 Which words are essential in the consecration of the bread? And which in the consecration of the wine? And are the words to be pronounced both literally and with signification? 331 Which form is illicit? Which is invalid? And which are doubtful? 331 Q. I. Are the words "Who, on the day before He was delivered..." required in the consecration of the bread? 331 Q. II. Are all the words in the consecration of the chalice essential? Q. III. What do the words "Hoc" and "Hic" signify? Q. IV. Is the Eucharist validly confected if the word "est" is omitted? 331 See more concerning the variation of words. What if the priest is distracted during the consecation? 220.— ANSWER. There are two forms, one for the bread, and it is this: "This is My Body," where all are essential, except for "for you;" the omission of which would be venial. (With Suarez, Conc. Bon. Pal. etc. apud Salm. de Euch. c. 5. p. 5. n. 48. But it is not improbable that Ronc. and the Council condemn it as mortal. Indeed, in a matter so grave, any deliberate alteration, however slight, seems a serious offense.) • The other is for the wine, and it is this: "This is the chalice of My blood, the new, and eternal testament, the mystery of faith, which shall be shed for you, and for many, for the remission of sins." Where, although the opinion of St. Bonaventure, Suarez, Bellarmine, and others is truer and more common against St. Thomas and the Thomists, that only these are essential: "This is the chalice of My blood,"

or "This is My blood," or words equivalent to them; nevertheless, he would sin gravely who omitted or changed any of the others. The forms, however, must be pronounced in the person of Christ, formally and significantly, that is, both literally and with signification, namely, by reciting the words of Christ, and applying their meaning to the matter present, namely, to the bread and wine, which the priest holds in his hands, so that they may be transubstantiated into the body and blood of Christ; thus the Council, p. 264, no. 14, and Salm. de Euch. c. 5. p. 5. n. 51, with St. Thomas, 3d part, question 78, article 5. • And not merely literally, or historically, although those words which precede in the canon are said only literally, or historically. See Laym. c. 3. Bon. q. 3. p. 2. Card. de Lugo d. 11. s. 5. Therefore, it is resolved: 231.— 1. The consecration is valid, but illicit, if the consecrator says: "This food, this drink, this chalice: or this thing, or this content under these species, is My body, or My blood." Bon. l. c. p. 1. II. If he says: "In like manner, the chalice also, after he had supped, saying: This is the chalice, the new testament in my blood, which shall be shed for you," as St. Luke has it, chapter 22. III. "This is My body, which I took from the Virgin: this is My blood of infinite value." IV. "This is My heart." Tom. IV.

[*Latin ed. p. 44*]

"This is my blood," or, "This is my blood." The reason for this is that the same meaning remains, and there is no substantial change. (Bon., loc. cit., 2). The consecration will be invalid if you say: "Here (adverbially) is my body." However, if "hic" is used in the masculine form for the neuter, it is valid, although not according to grammar. (Escob. Gran.)

(With Suarez, Dian., Bonac., and many others apud Salm., l. c., p. 1, n. 3.)

I. "This body is my body": "Here is my blood." (Fag., p. 3, q. 78, c. 2 and 3.)

II. "Behold my body." "Behold my blood."

III. "This happens, or this is my body": or, "This bread is converted into my body," or "This is my body placed here."

IV. "That is my body": "That is my blood."

V. "This is my substance": or, "This is the body of Christ." (Bon., l. c., p. 3, 3.)

The consecration will be doubtful if:

I. "That is my body": "That is my blood."

II. "This is my flesh": which Laym. contra Concin. believes to be valid.

III. According to some, the formula from St. Luke in the first case is presented. See Bon., quæst. 3, p. 1 and 2; Reg., l. 29, n. 33, 222.

It is questioned: "Are those words necessary in the consecration of the bread: 'Who on the day before...'?" Ambrose of Catharina, apud Habert, defended the idea that the consecration is perfected through preceding

prayers, and that the words of Christ are recited historically, but this opinion is rejected by St. Pius V in the Rubrics of the Missal, title 10, n. 3, where, after it is stated (title 5, n. 4) that the words 'This is my body' are the formula for the body, it is said: 'If, however, the upon the formula for the body has been begun, but the priest dies, it is not necessary that the Mass be completed by another, because the consecration has not been made.' Therefore, the consecration is not made unless through the words: 'This is...' And this is confirmed in the Decree of Eugene, where it is stated: 'The formula of this sacrament are the words of the Savior, by which this sacrament is made; for the priest, speaking in the person of Christ, makes this sacrament.' Therefore, the sacrament is not made unless through the words of Christ, which are certainly nothing other than those: 'This is...' Scotus, in 4. d. 8, q. 2, n. 5, does not doubt that the formula for the consecration of the bread and wine are certainly the words: 'This is my body,' 'This is my blood.' But if these words alone are pronounced, omitting those: 'Who on the day before,' does the consecration take place? He doubts, and says that then the sacrament is to be adored under a condition. The reason is that the words, 'This is,' when pronounced without the preceding words, do not by themselves signify the body of Christ, but the body of the priest; therefore, it is necessary that through the preceding words it be signified that the priest speaks in the person of Christ. And this opinion is followed by Angel., v. Eucharistia, n. 24; Dupasquier, t. 7, p. 385; and Cont. Tourn. de Euch., cap. 4, art. 2, concl. 3; and Frassen, tr. 11, p. 122, v. However, they say that it is not entirely without probability. Others, however, commonly, as Juen., t. 7, p. 259; Tourn., Præl. theol. de Euch., qu. 4, art. 8, concl. 3; Gonet, Man., t. 6, p.

[*Latin ed. p. 45*]

283. Council, session 8, paragraph 259, number 7. Frassen, *loc. cit.*, and Lugo, book 14, number 39 (who states that the opinion of Scotus is rejected by all) teach that for consecration, the words alone are sufficient: "Hoc est," etc. This is proven from the Decree of Eugene, where it is said that consecration is performed only by the words of Christ: "The form of this sacrament are the words of the Savior, by which this sacrament is made; for the priest, speaking in the person of Christ, makes the sacrament." And in order for the priest to speak in the person of Christ, it is sufficient that the body of Christ be designated by salt, according to the institution of Christ, and according to the intention of the priest, just as if a king were to establish words, which, whenever spoken by a judge, would represent the person of the king; by this very fact that they are uttered by the judge, they represent the person of the king. This opinion is indeed common and highly probable; but I do not dare to say that the opposite opinion is improbable, especially since the Rubric, Title 3, number 5, Title 10, number 3, and elsewhere, when the form must be repeated because of the doubtful

nature of the matter, or because the form for the chalice has been only partially pronounced, it directs that the priest should begin with the words: "Who on the night..." and "Likewise, etc." 223. — Question II. Whether in the consecration of the chalice, the words alone, "This is the chalice of my blood," are essential? The first opinion denies this, and it is held by Gonet, volume 6, page 284, and Salm, *de Euch.*, chapter 5, page 2, number 25, along with St. Antoninus, Sylvester, Paludanus, Hurtado, Richard, etc., who say that all the following words, "of the new and eternal testament," etc., pertain to the essence: and according to this opinion, it seems that St. Thomas is in agreement in book 4, question 8, article 2, where he says: "And therefore, those things which follow are essential to the blood, as it is consecrated in this sacrament, and therefore it is necessary that they be of the substance of the form." Therefore, says Gonet, if those words are essential to the blood, they are also essential to the form. The reason for this opinion is that the Eucharist is not only instituted to signify the body and blood of Christ by means of food and drink, but also to explain the power of the passion of Christ, that is, the remission of sins which is obtained through the shedding of blood according to the new testament, etc. Therefore, the following words, which express this power, should be considered to pertain to the essence of the form. However, Salm, *de Euch.*, chapter 5, page 2, number 31, believes that not all the following words are essential, because the word "eternal" is virtually included in those of the "new testament," and the words "mystery of faith" are included in those "which are poured out for you." The second opinion, however, is more common, and is held by Scotus in book 4, question 8, question 2, Petroc, volume 3, page 326, question 2, Holz, page 57, number 264, Juen, volume 7, page 262, *Cont. Tourn.*, *loc. cit.*, article 3, conclusion 1, Lugo, book 14, number 60, along with Bellarmine, *Spor.*, number 183, along with St. Bonaventure, Suarez, and many Thomists, such as Soto, Contenson, Wigand, and the Council, who say that the words alone, "This is the chalice of my blood," are essential to the form. They prove this from the words of St. Paul in 4 Corinthians, chapter 14, verse 25: "This chalice is the new testament."

[*Latin ed. p. 46*]

Then it is in my blood. Therefore, they say that it is not credible that the Apostle omitted anything essential to the form. They prove this by reason, because these words alone signify the presence of the blood of Christ under the species of wine; the others, however, pertain to the integrity of the form, but not to its essence. Thomists believe that this was the mind of St. Thomas, who, when speaking of the first words (as in question 78, article 1), says that they pertain to the essence; but when he speaks of the following words, he says that they pertain to the substance of the form. However, whether this explanation truly reflects the mind of St. Thomas is not entirely clear;

hence, Peter rightly says in this question that the opinion of the Angelic Doctor is very doubtful. Furthermore, both opinions are speculatively probable, but in practice, it is certain that the priest would sin gravely if he did not pronounce all the words that are contained in the consecration of the chalice; and if he were to say only the first words, he would certainly have to repeat the entire form, under the condition, as Nat. Alex. rightly points out in proposition 1 of rule 4. And all should say this, according to the Rubrics in title 10, on defects, number 3, where it is said: If the priest has said the form of the blood in a truncated manner, then another continues the Mass, and repeats the entire form over the same chalice (understand under the condition, if he has already said the words, "This is the chalice of my blood"), from that place: "Likewise..." Or, he could pronounce the entire form over another chalice prepared, and receive the host of the first priest, and the blood consecrated by himself, and then take the chalice that was left semiconsecrated.

Question III: What do the words "Hoc" and "Hic" signify?

Answer: As Suarez states in part 58, section 7; Against Tournhem, ibid., article 3; Holzman, number 272, who cites Scotus, Sporer, and others, these words signify: "Hoc" means that what is offered is food, and is my body; "Hic" means this chalice, or this drink, is my blood; for every proposition in the offering has its truth and effect.

Question IV: Is the Eucharist completed by saying only: "This is my body"?

Bernal affirms this, saying that the word "is" is certainly understood in the Latin language. But others commonly deny this, as stated in Croix, book 6, page 4, number 35. For although the word "is" is sometimes sufficiently understood from other words added, here it is barely perceived from the absolute proposition itself, since there are no other words added here that would indicate that the word "is" is understood.

However, it should be noted, with regard to the alteration of the words of the form, what is stated in the Rubrics of the Missal (title 5, number 4): If anyone were to diminish or alter anything from the form of consecration, and the words did not mean the same thing, the sacrament would not be completed. If, however, he were to add something that did not change the meaning, he would complete the sacrament, but would sin very gravely. The consecration is valid, however, if one says: "This is my body," or "My body," as Croix states in book 6, page 4, number 36, with Suarez.

[*Latin ed. p. 47*]

Lugo, and others generally; as we also said, no. 140, concerning baptism, from c. Retulerunt, dist. 4, concerning consecration, where Pope Zachary declared the baptism conferred in the name of the Father, the Son, etc., to be valid. The reason is that the words are constituted in such a way that,

even if they are sometimes uttered with contempt, they signify the same; for it is sufficient that the words of the form express the meaning intended by Christ; otherwise, if they expressed a different meaning, as if someone were to say, "This (adverbially) is my body," as taught by St. Thomas, 3rd part, q. 60, art. 8. He would also validly consecrate if he added words that do not corrupt the meaning, e.g., "This is my true body." Otherwise, if he were to say, "This is my figurative body," and thus he would also invalidly consecrate if someone were to say, "This body is mine," as say Bonaventure, Antoine, and Elb, because by these words, the transubstantiation of the bread into the body of Christ would not be signified. They say Salm. de Euch. c. 5, p. 4, n. 16, that the scruple should be rejected if someone were to say "corpus meum" instead of "corpus meum." Similarly, if he were to say "es" instead of "est," as says Dian. ibid. If for "chalice," he were to say "calis," as says Benr. If for "blood," he were to say "zanguinis"; (and Soto excuses this from all guilt, and if the diligence in uttering is omitted: but it is better, says Dian, Leand, etc., to excuse only from mortal sin, as says Salm. ibid. n. 17.) The reason is that in these cases, the form and substantial signification remain, since generally at that time, "chalice" is truly understood as "chalice," and so with the others. It should be noted that if the priest is distracted in performing the sacraments, it is hardly possible that the sacrament should become invalid because of the distraction of the minister; unless the distraction were total, says Croix, l. 6, p. 4, n. 85. But we have shown that this limitation is very unlikely, no. 14, concerning Sacraments in general. In performing other sacraments, the minister who voluntarily distracts himself does not sin more than venially, as says Gobat with the common opinion, apud Croix, l.c. But there, Tamb. points out that in consecrating the Eucharist, the priest who voluntarily and knowingly distracts himself, because of grave irreverence, would sin gravely. It should be noted that the words of consecration should be repeated as little as possible, unless it is very probable that the priest has omitted something, as says the Rubric, title 5, n. 2: "If the celebrant does not remember having said those things that are commonly said in the consecration, he should not be disturbed because of this. However, if he certainly knows that he has omitted something of what is necessary for the sacrament, he should repeat the form. But if he very probably doubts that he has omitted something essential, he should repeat the form, at least with a tacit condition."

[*Latin ed. p. 48*]

DOUBT VII. How long does Christ remain in the Eucharist? 235 Within what time is the appearance consumed? 226 When is grace received? 237 What if the priest were to prepare himself during the reception? 238 Is more grace received if the species are taken, or if a larger quantity of matter is used? 239 What if the consecrated wine is poured into another wine, or into a liquid? 225. — ANSWER. 4. He remains under the species, even when

divided, and under even the smallest part of them, until such a change occurs that the usual substance of bread and wine is corrupted. Thus, according to St. Thomas. And this is certain. It is certain among all, that at least within the space of an hour, the species are altered in all respects. Tamb. rightly observes in *De Communicatione*, chapter 3, section 4, that, according to the quality of the stomach, whether it is more or less warm, or stronger, the species are consumed. Furthermore, speaking generally, Lugo, in book 10, number 54, states that several doctors he consulted in Rome believed that in laypersons the species are corrupted within a minute, and in a priest within half an hour; which Bernal approves in *Croix*, book 6, page 4, number 476. Indeed, Arriaga, in the same place, believes that in a layperson the consumption occurs within 5 minutes, and in a priest after the recitation of the *Pater* and *Ave*. At least after half an hour from Communion, even in a priest, Lugo holds as certain that the species are consumed, and Croix agrees in this regard for the healthy. 226. — "1. Grace is given in the first act of eating, even of the first part, since the whole sacrament is present. Eating is said to be the passage from the mouth to the stomach, although some say that grace is given only when some part is received into the stomach. *Diana*, page 3, volume 7, method, number 96, from Henriq. Sylv. and Fagund. Also, Cardinal de Lugo, in book 12, section 2. 2. The species are not to be retained in the mouth for so long that they are completely consumed: because then Christ would not be eaten, nor would the grace of the sacrament be conferred; just as neither would it be if one were to die while the host is still in the mouth. *Diana*, *loc. cit.*, against Bec., chapter 22. See Bonaventure, in book 4, question 5, page 2, number 2. 227. — "3. If someone has taken a part of the wine, or the host, while indisposed, and then prepares himself, he would still receive grace in the reception of another part." (Thus, Salm. in *De Euch.*, chapter 6, page 1, number 40, with Suarez, *Conscientia Sotis*, Caj.). Because at that time the Eucharist still has the power of conferring grace through the action performed.) "And some, as Cajetan and others probably say, would receive it even if they prepared themselves before the species are consumed in the stomach. *Diana*, *loc. cit.*, number 96, from Nug. See Cardinal de Lugo, in book 12, section 2, numbers 46, 53, and 64, where the latter denies this. See Bonaventure, *loc. cit.*

[*Latin ed. p. 49*]

228. — 4. The layman who desires to be a priest, so that he may receive under both kinds, believing that greater grace is conferred under both, than under one, is not to be blamed; for this is not improbable, as taught by Vasquez, *Mar. Card. de Lugo*, doubt 12, section 3, and others. With Alen, Hurtado, Leandrus, Palao, and many others, as found in Salmeron, ibid., number 15, against Bellarmine, Suarez, Soto, etc., Salmeron, ibid., at the end, rightly call this probable. Nor is it to be reprehended if some-

one takes a large amount of material for consecration, with the intention that the species may not be so quickly consumed in the stomach, and thus that Christ may remain with him longer, thereby increasing piety; for this is not improbable, if the disposition of the subject is better, as taught by Suarez, *Comm.*, also by Fagundes and Becan, apud Dian, page 3, volume 6, marginal note 97. (Gonet, volume 6, page 306, also holds this opinion; Lugo, doubt 12, number 48; Contraro, *De Euch.*, at the end of part 1, with Juening, Holzmüller, page 66, number 296, with Regius, Master Bos, and others; also Suarez, Leandrus, etc., apud Salmeron, ibid., numbers 12 and 13, who rightly consider this probable. The reason is that, as Florentinus says, this sacrament was instituted in the manner of food; therefore, just as food, while it remains in the stomach, nourishes the body, so likewise, while the Eucharist remains in the body, it nourishes the soul, increasing grace. However, it should be noted from Dupasquier that Innocent XI, after the Decree of the Holy See, condemned the abuse of giving several particles at once to those receiving Communion, or of giving particles that are usually larger.) 5. Species that have been rejected through vomiting, if they are such that bread or wine can still be present in them, are truly to be adored; and if they are taken again, they will again confer grace, as taught by Cardinal de Lugo, *loc. cit.*, number 53.

229. — 6. And if a small amount of consecrated wine is perfectly mixed with another liquid, so that the substance of the wine no longer remains, Christ ceases to be present there; but he does not cease to be present if it is mixed with another wine, at least of the same species. *C. de Lugo*, doubt 10, section 3. Therefore, if a drop of consecrated wine falls into a cask of wine of the same species, the entire wine should only be used for the sacrifice; although some say that it can be drunk by lay people. Suarez, *Dicast.*, Arriaga, and Bernal, apud Crocius, book 6, page 2, number 474, say that Christ ceases to be present if a drop of consecrated wine is poured into another un-consecrated wine that is stronger, or into another liquid in which the species of wine are corrupted. However, Crocius, ibid., says that in doubt, the species are not to be considered corrupted. 7. If consecrated species, mixed with a liquid of a different species, transform the liquid into wine of a substance similar to that in which the consecration was performed, the former species remain consecrated; the latter, however, that are added, do not.

[*Latin ed. p. 50*]

CHAPTER II. ON THE CAUSES AND SUBJECT OF THE EUCHARIST. DOUBT I. Concerning the causes. Here, we shall speak only of the efficient cause, that is, of the minister, in whom certain things are required for a valid consecration; this is evident both from what has been said about the Sacraments in general, and from Doubt 5 of the preceding chapter. What is required for a licit consecration will be evident from the following

doubt concerning the subject receiving the Eucharist, because all dispositions which are necessary for receiving the Eucharist worthily are also required for a licit consecration; for the consecrator must necessarily receive [the Eucharist]. Therefore, here we shall inquire: 1. Who is to dispense the Eucharist? 2. What is required of the minister for a licit dispensation?

ARTICLE I. To whom does the dispensation of the Eucharist pertain?

230. Is it permitted only to priests to minister the Eucharist?

231. Can only priests validly consecrate?

232. What should be noted concerning priests who consecrate together one host, or with a Bishop?

233. Is a parish priest obligated to minister the Eucharist during a plague?

234. Does a subdeacon incur irregularity when ministering?

235. Is the consent of the pastor sufficient?

236. What if it is necessary to administer the Viaticum?

237. Question I. When is it permitted for deacons to minister? Question II. Is it permitted for clerics, or even laymen in necessity, to receive the Eucharist themselves? Question III. Is it permitted for a layman in necessity to administer the Viaticum to another?

238. Can a priest communicate himself outside of the article of death?

239. Can others besides pastors administer the Eucharist in the article of death, and during Easter?

240. In what cases is it permitted for religious to minister at that time?

230. — ANSWER. Only a priest having ordinary jurisdiction, delegated jurisdiction, or at least reasonably presumed jurisdiction, or a privilege, can, by virtue of his office, dispense the Eucharist. The reason is that it is the proper duty of pastors to feed [their flock], which is done especially through the sacraments. See Bonaventure, *Doctor Aureus*, 4th book, 5th question, paragraph 4. Cardinal de Lugo, question 48, section 3.

231. — It is certainly true that only priests can validly consecrate the Eucharist, as is evident from tradition, and from the definitions of the Councils of Nicaea, 1st canon, 14th section; Lateran, under Innocent III, 4th canon; and Florence, in the decrees.

[*Latin ed. p. 51*]

For the Instruction on the Army and the Council of Trent, session 23, canon 4. The Council of Trent also states this from Malachi, chapter 26, verse 26, and Luke, chapter 22, verse 19: "Do this in remembrance of me." With these words, it becomes clear that Christ conferred the power of consecration only upon the Apostles and their successors, the priests: it was fitting that those who were to minister in so great a ministry should be consecrated in a singular manner.

232. – It should be noted here that if several priests consecrate the same Host at the same time, all indeed confect the Sacrament, as is the common opinion with Salmeron on the Eucharist, chapter 9, page 4, number 3, according to Suarez. Conversely, if one of them completes the words of consecration before the others, independently of the intention of the others, he already confects the Sacrament, so that the others would vainly utter the words afterwards. Hence, Salmeron, ibid., number 5, along with Suarez, Paleari, and others, including the Council of Trent, Diana Veteranorum, and others, conclude that new priests who consecrate with a Bishop should, as far as possible, strive to utter the words of consecration simultaneously with the Bishop; furthermore, they should have the intention of consecrating only when they utter the words of consecration at the same time as the Bishop; indeed, moreover, in the consecration of the chalice, they should even intend not to consecrate, if perhaps they themselves have not consecrated the bread. Since it is certain that only priests can consecrate, it is also certain that the administration of the Eucharist pertains only to them.

233. – The question arises: Is a parish priest obligated to administer the Eucharist during times of plague, under the danger of death? The first opinion, which is very serious, affirms this, and it is held by Merbes, volume 2, page 354, question 19; the Council of Trent, volume 8, page 308, number 13; Holzmüller, page 64, number 286; Paleari on the Eucharist, page 20, number 2; and Contenson on the Eucharist, chapter 5, article 2, post concl. 4, question 5, along with Suarez, Vasquez, Tannery, and Barbieri. Sylvère considers this opinion more probable, in supplement, question 32, answer 3, where he says: "It is a safer and more probable opinion that a parish priest is obligated to administer the Eucharist to parishioners who are infected with a mortal illness or another contagious disease; even at the risk of his own life, unless it is done by someone else, and unless certain circumstances occur for which he can legitimately be excused." The reason is that, although this Sacrament is not absolutely necessary and not a sin to omit, it is nevertheless morally necessary for persevering in justice. Sylvère, however (after Suarez and Barbieri), makes exceptions: 1) If some of the sick were about to die without having confessed. 2) If it is a grave danger to the parish priest: and if his death would be a great loss to the people, such as if he is the only one available, and it would not be easy to find another. The second opinion, however, denies this, and it is held by Salmeron on the Eucharist, chapter 9, page 3, number 30, along with Dicena, Gabriel, and Antoninus of Florence; Diana Veteranorum, page 3, treatise 4, response 174, along with Major, Villalobos, and Molfino; also Gobat and Lohn, apud Croix, number 184. The reason is that this Sacrament is not of such necessity that a parish priest is obligated to risk his life in order to administer it. And

this sen-

[*Latin ed. p. 52*]

It is also highly probable, based on the declaration of Gregory XIII, as found in Fagnan, volume 3, chapter concerning clergy, specifically non-resident clergy, number 38. Here, it is stated that, at the urging of Saint Charles Borromeo, the question was raised whether parish priests were obligated to administer the sacraments during times of plague? The aforementioned Pope, on October 12, 1576, approving a decree of the Sacred Council, declared: "A parish priest is obligated to minister to his parishioners afflicted by the plague, but only two sacraments necessary for salvation, namely baptism and penance; he may administer them either personally or through another suitable person, so that the parish priest may hear the confessions of the healthy, because others might fear him if they saw him approaching the plague-stricken." Then, Fagnan reports that the same Gregory, on October 26, 1576, wrote to the Archbishop of Florence, who had decreed that parish priests in his diocese were obligated to administer the sacraments during times of plague, instructing him to be informed by the same Sacred Council: "Parish priests are obligated to administer only baptism and penance." And so, the Sacred Council responded, adding the words "through others"; for the Sacred Council stated that this was the intention of the Pope, namely, to prohibit parish priests from administering baptism and penance themselves, even if they were willing, for the benefit of the parishioners who were healthy. Thus, Fagnan. Furthermore, it must be diligently noted that, around the same time, the question was raised whether parish priests were obligated to reside during times of plague? The same Fagnan, in the aforementioned passage, reports that the Sacred Council, on December 6, 1576, decreed that they were obligated, but that this should not be established by a general law, but rather should be communicated to the aforementioned Archbishop through letters, so that not all parish priests would be compelled, but rather some would be assigned tasks, or other priests would be appointed; for Tabernae and Barbatus held that parish priests could be excused from residence during times of plague, and because the healthy would flee from the parish priests, and because all the parish priests would die. However, after this report, the Pope decreed: "Simple letters should be written to the Cardinal of Saint Praxedis, in which it is stated that His Holiness has decreed that parish priests are absolutely obligated to remain in their churches during times of plague, but they may administer the sacraments of baptism and penance through another suitable person; and if they do not remain, proceedings should be taken against them, observing the form of the Council of Trent, session 33, chapter 1." Finally, some ecclesiastical prelates doubted what the proper duty of bishops was during times of plague, namely, whether they were obligated to remain and also to minister the sacraments to their clergy?

Fagnan, number 40, reports that the Pope declared on December 18, 1576: "The decree made concerning parish priests applies much more to bishops, who are more obligated; however, bishops may remain in safer places and provide from there." And it should be noted that this decree was a specific decree of the Pope, by which the duty of bishops was generally explained; for truly, if the bishop abandons his flock in such necessities, who else will adequately provide for them?

[*Latin ed. p. 53*]

234. — • 1. He sins mortally who dispenses the Eucharist without any jurisdiction. Council of Trent, Session XIII, Chapter 2. Because he violates another's jurisdiction in a grave matter. Furthermore, a priest of lower rank incurs an irregularity, as taught by Concinius. Layman, *De Euch.*, chapter 7, number 3, with Concinius, *Sporer*, ibid., title 5, chapter 5, number 309. Mazzola, volume 3, page 431, with Bona and Salmeron, *De Bapt.*, chapter 4, page 2, number 20, who say the same about a cleric administering baptism solemnly. The reason is that, since only a priest is the minister of these sacraments, and a deacon only by commission; therefore, a deacon who administers these sacraments without a commission, since he is not the ordinary minister of them, incurs an irregularity, according to chapter 4 concerning non-ordained clerics. See the statement about baptism, number 146, see question 2.) • Hence, religious also, by the very act, incur the excommunication reserved to the Pope, if, indeed, without the permission of the parish priest, and indeed specifically presuming to administer Extreme Unction, or the Eucharist, or to celebrate marriage, unless they have a privilege, or the parish priest is absent, or unjustly refuses to do so at the point of death. However, ignorance, even crass ignorance, excuses from this excommunication, as noted by Diana, volume 2, page 3, reply 51, and this is because of the word "presuming."

235. — • 2. It is licit for one to administer the Eucharist who reasonably presumes that his pastor will approve of it. Regulations, book 2, number 94. Bona, ibid., number 8. (Palau, point 48, number 4, says that, by common custom, the consent of the pastor is generally presumed, whenever Communion is not given out of obligation. Hence, Roncaglia, chapter 4, question 2, reply 4, correctly states that, when someone is granted the faculty to celebrate, it is also understood that the faculty to administer the Eucharist is granted. And this is the practice everywhere. However, Palau says that this presumption only applies when Communion is given out of devotion, not when it is given out of obligation; but Layman, chapter 7, number 4, admits it even in the Paschal precept, if the presumption is reasonable, for example, if a person frequently receives Communion. Furthermore, Croice, number 634, and Lugo, book 4, number 5, with Suarez, Fagius, Diana, and others, correctly say that this presumption is not easily to be had in Communion given out of obligation; indeed, Croice adds that it does not always suffice

that the pastor would certainly give permission if it were requested; for if he is recognized as a pastor, and he himself at least vaguely knows his sheep.)

236. — • 3. If a sick person needs to be given the Viaticum, and the proper pastor is absent, or present but unable to bring the Eucharist, any other priest, or religious, or secular cleric, and if that fails, even a deacon, can give it to him, because then the will of the Bishop, or the Pope, is presumed. Thus, Layman, book 5, treatise 4, chapter 7, number 3. Bona, ibid., number 40. Suarez. (Even if the pastor refuses, but unjustly. Salmeron, *De Euch.*, chapter 9, page...)

[*Latin ed. p. 54*]

2. n. 45. As stated by Tollet, Lugo, and others (cf. Ronc. c. 4, q. 2, r. 2, with St. Thomas), it is generally understood that a deacon, in a state of necessity, can administer the Eucharist by the commission of a parish priest, and according to Quintanad, even without such a commission, for example, on a major feast day when the priest is occupied with confessions, sermons, etc. (Dian. p. 9, t. 6, r. 39, from Præp.). In extreme necessity, for example, at the point of death, it is probable that even a deacon, or even a layperson, may administer the Eucharist to themselves and others, provided that scandal is avoided (as taught by Suarez, Conc. Laym. Præpos. d. 2, n. 11, and confirmed by Dian. p. 8, t. 1, r. 48, from Avers. and Franc. Lugo). However, Amic limits this to the case where the person about to die is conscious of a mortal sin and cannot receive another sacrament. (Dian. p. 9, t. 6, r. 39). In practice, this is not easily done, due to contrary custom (Card. de Lugo d. 18, s. 2; Bonac. d. 4, q. 5, p. 1).

The question arises: When can a deacon administer the Eucharist? There is no doubt that a deacon can administer the Eucharist in a time of necessity, as stated in Carthagin. IV, can. 39: "If a presbyter is present, the deacon shall administer to the people the Eucharist of Christ's charity, if necessity compels him, by order." However, it is debated whether this necessity must be extreme? Cont. Tourn. de Euch. cap. 5, art. 2, concl. 2, v. Obj. 2, with Habert and Wittas, argues that the necessity of providing the Viaticum is required when the priest is absent, because otherwise, scandal would be avoided, since the custom, which once prevailed in the Church (as testified by Alensis, Sotus, Sylvest., etc.), was that deacons universally administered the Eucharist to the people. However, Suarez (d. 72, s. 2, concl. 3), Pal. p. 17, n. 6, Lugo d. 18, n. 27, Laym. c. 7, n. 2, and Salm. de Euch. c. 9, p. 1, n. 8, with Rod. Dic. Henr., generally argue that a grave necessity suffices, namely, when no priest is present who can conveniently administer. P. Conc. agrees, admitting that a just cause is sufficient for this. Moreover, Sylvest. says that the order of the Bishop or parish priest is sufficient, even if no cause exists. And Quintanad, apud Renzi c. 3, q. 2, holds that, even in the absence of a priest, a deacon can administer, even without a commission and without an

urgent necessity. However, P. Suarez rightly rejects these two opinions. All agree that in extreme necessity, in the absence of a priest, a deacon can and must administer the Viaticum, even without a commission (Tolet. l. 3, c. 28, n. 2; Holzm. n. 280; Laym. loc. c., with Soto, Vict. Henr., Miranda, etc.).

Furthermore, when a deacon administers the Eucharist, he should be wearing a superpelliceo (cope) and a stole worn across the body, as well noted by Holz. l. c., Croiæ l. 6, p. 1, n. 489, and others.

The second question is: Is it permissible for clerics, or even laypeople, in a time of necessity, to receive the Eucharist themselves?

[*Latin ed. p. 55*]

The first opinion denies this, and it is held by Lugo, book 18, number 24, who calls it "commune"; Gonet, book 10, number 18; *Controversae Tournheimenses*, location cited, conclusion 4; Bonaventure, page 1, number 5, with Henry of Saint Ignatius, Victor of Sylva Candida, Paludanus, Possevinus, etc., and Salmeron, *De Eucharistia*, chapter 9, page 1, number 11, with Vasquez, Soto, Fagius, and Dicena. The reason is that the laity cannot receive the Eucharist except from the hands of a priest, or at least a deacon; conversely, this sacrament is not necessary for salvation.

The second opinion affirms this, and it is held by Suarez, book 72, section 1, at the end; Cajetan, on Matthew 26; Fillon, treatise 4, number 285; Valois, question 10, number 4; Escobar, book 6, number 455; *Diana Veteranorum*, page 3, treatise 4, response 47, and Lugo considers it probable, book 18, number 23, and the Council considers it probable, question 82, number 27. The reason is that in such a case of necessity, such as at the point of death, the divine precept of receiving Communion is urgent; conversely, there is no divine or ecclesiastical precept that prohibits this; indeed, it is known that formerly, the laity used to take the Eucharist to their homes and communicate themselves with their own hands: and this was permitted because of necessity; but why could it not be permitted in the same necessity at times?

Then, the third question is raised: whether it is permissible for a layperson, in a necessity, to administer the Viaticum to a dying person. This is denied by Durandus, in the 4th book, 13th question, 1st article, 3rd part, where, after saying that it is permissible for a layperson to touch the Body of Christ in a necessity, such as to remove the Eucharist from an unclean place, he adds: "But it is different with the dispensation of the sacrament, because the reception of this sacrament is not a necessity." And the same is held by Lugo, book 18, number 22; Petrocorus, volume 3, page 448, question 4; and *Controversae Tournheimenses*, ibid., volume 1, at the end, with Contenson, the Council of Henry of Saint Ignatius, and Henno. The reasons are: first, because this would be contrary to the universal custom of the Church; second, because this sacrament is not of such necessity, as stated above; and finally, because in chapter 29 of the *Decreta*, in the 2nd

distinction, it is expressly forbidden to priests to entrust the administration of this sacrament to a layperson. *Controversae Tournheimenses*, in the same book, makes an exception only for the case in which the sick person could not receive the sacrament otherwise, and is doubtful about perfect contrition; because then the Eucharist would be a sacrament of necessity.

On the other hand, Suarez, in the aforementioned book 72, section 3, at the end, and Cajetan, Fillon, Valois, Escobar, with *Diana Veteranorum*, in the same book, and Layman, chapter 7, number 4, argue strongly, because there would be no injury to the sacrament if a layperson administers the Eucharist to a dying person in such a necessity. The text cited in chapter 29 of the *Decreta* does not object, because it speaks of a priest who entrusts the administration to a layperson even outside the case of necessity. Nor does the contrary custom object, because this case occurs very rarely, so that the contrary custom can hardly be proven.

This opinion is also held by Habert, volume 5, page 514, question 2, where he says that, in the case of necessity, such as during a plague, it would be permissible for the Bishop, by his judgment, to allow laypersons to administer the Eucharist.

238. — It is also probable, even outside the point of death, according to a serious opinion, in volume 4.

[*Latin ed. p. 56*]

It is permissible for a priest, provided there is no scandal, to take the sacred Host from the sacristy, or to receive it from a deacon, for his own use, for example, if he has been ill for a long time and has not received Communion, as taught by Suarez and the Council, Fagius, page 3, book 3, chapter 2; Escobedo, volume 7, section 6, page 1; and others. (Indeed, Croia, number 481, along with Suarez, Bonaventure, Lugio, etc., Roncaglia, chapter 4, question 4, Salm, on the Eucharist, chapter 9, page 2, number 18, along with Sylvius, etc., state that, for the sake of devotion alone, a priest can always give Communion to himself, because, provided there is no scandal, there is no irreverence, nor is there any impropriety, unless another priest is present; and the Council seems to think this is not improbable, page 307, number 12. There, it adds, along with Vasquez and Leander, that this is also permitted to a deacon, because the Council of Nicaea, canon 14, grants this to him. Finally, it concludes that the current discipline should be considered in this matter.) 239. — "I said that this is either a dispensation, such as that held by religious of the Mendicant Orders, and specifically the Society of Jesus, by a Bull of Paul III, and others, so that they can, in their own churches, administer Communion to any faithful of Christ, except at the point of death (in which case, however, if necessity demands, the tacit consent of the Pope is presumed, even against the will of the parish priest, as Bonaventure states, and on Easter Day). (And also, if the Bishop reasonably prohibits someone from receiving Communion.)

"See Cardinal Lugo, book 1, section 2, number 38, and 49. Furthermore, concerning Easter, the Pontiffs seem to understand and prohibit that Communion by which the precept of annual Communion is fulfilled, as taught by Sanchez and others. By the 'point of death,' we mean the time when death is imminent, and morally certain and unavoidable, or when there is a danger of death, that is, a probable and doubtful state concerning the preservation of life; in such a case, as Suarez states, volume 4, on religious matters, book 2, chapter 3, and 3, page 26, section 4, and others. 240. — "From what has been said, it is resolved that religious may licitly administer the Eucharist at the point of death, as well as on Easter, in the following cases: 1. If there is extreme necessity, such as when eternal salvation is at risk. 2. If there is a grave necessity, that is, a probable danger of death, and the parish priest is unwilling, or unable, to administer it. Cardinal Lugo, book 18, section 2, number 53. (Along with Roncaglia, chapter 4, question 2, response 2, and others, against some.) 3. If they have a privilege from the Pope, or the Bishop: such as the privilege that some religious have in certain places from the Bishops to administer the Easter Communion. 4. If someone is unable to receive Communion in their own parish on Easter, or is unable to ask the parish priest for permission. 5. If they have already fulfilled the requirement of Easter Communion for their parish, or if they believe they will fulfill it afterward, because then nothing is lacking to the parish priest, since they can abstain from Communion on Easter Day itself." (Thus Suarez, book 72, section 3, Palafox, chapter 19, number 3, and Anolés, page 101, number 40, along with others.) "Thus, Sanchez, Fillon, and Laym teach, who adds, unless it is certain that the parish priest is unwilling, and reasonably prohibits it.

[*Latin ed. p. 57*]

v. q. that others cannot have a reason to communicate in their own parish; otherwise, they should be referred to another parish. Card. de Lugo, book 4, chapter 8, number 50. Bonaventure, in the same place. (His Holiness Pope Benedict XIV, in *De Synod.*, book 7, chapter 42, declared that religious cannot administer the Eucharist to those communicating out of devotion on Holy Days. However, Roncaglia, book 4, question 9, reply 2, and Wigand, exception 4, number 48, state that there is a constant custom to the contrary, which grants jurisdiction.) 6. If a sick person has reached such a state of weakness that they are obligated by precept to receive Holy Communion, they remain obligated to receive Communion from the hand of the parish priest at the point of death. 7. If the sick person has fulfilled the precept regarding Viaticum, with the intention of fulfilling it, because the administration of the Eucharist is only prohibited to religious when the precept of Communion obligates. However, without the permission of the Bishop, or the parish priest, it is never permitted for religious to carry the Holy Eucharist publicly through the streets, unless this is obtained by the

custom of the parishes; therefore, in such a case, the Eucharist should be given privately in the sick person's oratory, or another suitable place in the house, with the permission of the Ordinary. See Suarez. See *Diana*, volume 4, page 4, rule 14, and page 9, volume 9, rule 63. 8. For some who frequently communicate with religious, it may not be possible for them to communicate in the parish; and this may be done with tacit and presumed consent, as Layman believes is more easily presumed in soldiers, courtiers, students, and other academics, etc., who are often seen communicating. See Layman, book 5, volume 4, chapter 7, number 4. 9. If there are vagrants, pilgrims, and visitors during Easter, according to the opinion of many, as Sanchez states in *De Matrim.*, book 3, chapter 37; Fagius, *Præcept.*, book 1, chapter 6, number 8; Cardinal de Lugo, book 4, chapter 8, page 2, volume 2, rule 12. This is opposed by Contenson, *De Euch.*, chapter 5, article 2, after conclusion 4, question 2, and Roncaglia, book 4, question 2, reply 2, with Barbosa and Passer, who say that visitors should receive Holy Communion at Easter from the hand of the parish priest of the place, because he is then to be considered their proper pastor. But Busembach commonly teaches the opposite, as Sanchez states, book 2, number 17; Suarez, book 3, page d, number 72, section 2, at the end; Lugo, book 4, number 50 (who calls it "almost common"); Viva, question 4, article 40; Anaclasius, page 404, number 40; Palearius, page 49, number 7; and Salmeron, *De Euch.*, chapter 8, page 2, number 34, with Navarrus, Soto, Cajetan, Azor, etc. The reason is that pilgrims and vagrants do not have a proper pastor; and this is supported by the declaration of Eugene IV (cited by Sanchez), who granted permission to pilgrims to communicate in parish churches, but did not compel them, leaving them to the disposition of common law. 10. If they are servants, or domestic employees, or members of the household of those who have a privilege regarding such matters. See *Compendium Privilegium Societatis Jesu*, under "Familiaris," and *Diana*, volume 1, page 2, regarding doubts of religious, rule 12.

[*Latin ed. p. 58*]

Bonifacius, quaestiones disputatae, 7, pars 2, n. 10, citat certam declarationem Congregationis, (apud Sa), in qua dictum est, ut servientes monasteriorum saecularium teneantur accipere communionem paschalem in parochia. Hoc autem, ait Bonifacius, non intelligendum de illis qui degunt in monasteriis, vel in locis exemptis ab cura parochorum: et idem sentiunt Anaclarius, pag. 404, n. 40, Roncaglia, cap. 4, quaest. 2, respons. 2, Palearius, pag. 45, n. 40, et Salmeronius, de Euch., cap. 8, pag. 2, n. 30, cum Diceto. Attamen Wigandus, ex n. 48, et Benedictus XIV, Notificationes, 55, tom. 2, sentiunt oppositum; nam (ut ait praefatus Benedictus), tantum illi servientes monasteriis sunt exempti ab jurisdictione sui Ordinarii, qui, ut habetur in Concilio Tridentino, sess. 24, can. 44, actu inserviunt, intra eorum septa et domos resident, sub eorumque obedientia vivunt.

Unde, ut ait, non eximuntur ab obligatione communionis paschalis in parochia famuli monasteriorum, nisi vivant intra ipsam clausuram, et sub obedientia praelatorum regularium. Et huic conformia esse refert idem Benedictus, plura decreta Congregationis, et praesertim illud editum 22. Novembris, 1721, ubi dictum est, ut teneantur recipere communionem in parochia famuli monialium degentes in domibus sitis in atriis monasteriorum, muro circumvallatis, quae sunt contigua monasteriis, cum porta quae clauditur. Sed hoc nonobstante, refert Crotius, l. 6, pag. 4, n. 635, Societati Jesu expressum privilegium concessum fuisse, ut famuli domestici, intra septa religiosa habitantes, possint satisfacere communioni paschali communicando in templis Societatis. Sed notat ibi Pater Zaccharia, pluries decrevisse Congregationem hoc privilegium non extendi ad alias religiones.

ARTICULUS II. Quid requiratur in ministro ad licitam administrationem Eucharistiae?

231. An Eucharistia deferenda ad infirmum cum stola, superpelliceo, ac lumine? Quid de extrema unctione?

242. An in necessitate liceat currere?

243. An deferre Eucharistiam in equo? Et an tantum ad eam adorandam?

244. An liceat dispensare, vel celebrare posterioribus digitis? Et an medio instrumento tempore pestis?

245. Quando peccat dispensans ob defectum ritus Ecclesiæ?

246. Quibus non liceat porrigere communionem?

247. An autem communio porrigenda reis capite damnatis? Et an semifatuis, et obsessis?

248. Quomodo pastor debeat asservare Eucharistiam? Et an Eucharistia asservanda? et deferenda semper sit cum lumine?

249. An ministranda communio in missa de Requiem?

250. Quid faciendum, si hostia decidat in terram?

251. Quid faciendum de fragmentis hostiarum?

252. Quid horum, et quid die possit dari communio?

253. Quoties parochus teneatur ministrare communionem?

254. Quid notandum circa communionem quotidianam?

[*Latin ed. p. 59*]

244. — RESP. 1. Ut minister, in administrando Sacramentum Eucharistiae, non peccet, praeter gratiam, reverentia etiam in hoc casu, tanto quanto merito, et per canones, requiritur; ita ut praestat hoc sacramentum omitti (cum eius susceptio saepe non sit necessaria ad salutem), quam admitti cum positiva irreverentia. Unde resolves: 1. Eucharistia non est deferenda ad infirmum, nisi cum habitu decenti, id est cum stola et superpelliceo, et præcedente lumine; aliter est de extrema unctione, cujus materia, cum non

sit sacramentum, non requirit tam venerationem. » (Ita etiam Mazz. cum Croix, et communi). » Putant tamen quidam, si habitus haberi non possit, aut sit tempestas, aut iter faciendum, non fore irreverentiam, si sacerdos Eucharistiam in pyxide, vel corporali involutam in sinu suo clam deferat. Quod certius videtur licere in locis hæreticis, ubi etiam necessitate, et clam, præciso scandalo, poterit porrigere sine stola, et superpelliceo; etsi nullo modo celebrandum sit sine vestibus sacris ob Viaticum dandum. Bon. d. 4. q. 5. p. 2. Ministrare Eucharistiam sine lumine, et solita confessione reputatur tantum veniale, ut comm. dicunt Suar. dist. 72. sect. 4. v. Tertio, Ronc. cap. 4. q. 3. r. 2. cum Quarti, Croix n. 489. cum Gob. et Salm. de Euch. c. 9. p. 2. n. 24. cum Fill. Gran. et Fag. ac Mazz. t. 3. n. 432. in fin. cum communi ut asserit. Ministrare autem sine stola, et superpelliceo, comm. censent DD. esse mortale ex genere suo, ut Suar. et Ronc. ll. cc. ac Fill. c. 9. num. 270. Omissā tamen tantum stolā, dicit Ronc. pluribus vidēri solum veniale. Utrūm autem in necessitate liceat ministrare Viaticum sine lumine, et vestibus sacris? Negat Bon. q. 5. p. 2. n. 8. cum Sylvest. et Possev., quia (ut ait) praestat potius reverentiam servari tanto sacramento, quam infirmum communicare. Sed communius et satis probabiliter affirmant Croix, et Mazz. ll. cc. Gobat. tr. 4. n. 447. Elb. t. 3. p. 83. n. 63. et Renz. q. 45. cum Fill. Avers. Gran. etc. Ratio, quia non rationabiliter præsemuitur quod Christus, qui hoc sacramentum ad subsidium animarum instituit, et Ecclesia, quæ tam benigna est mater, voluerint moribundos tanto bono privari, ne præscriptæ cæremoniæ omittantur. Deferre autem Eucharistiam ad aliud altare sine vestibus sacris, dicit Croix l. c. cum Diana, et comm., non excedere peccatum veniale. Censet etiam Pasq. apud Croix n. 614. quod Episcopus potest dispensare, ut deferatur Viaticum cum pileolo in villis, et pagis. 242. — 2. Praestat ægrum non communicatum mori, quam sacerdotem in habitu cum sacramento per publicum currere (etsi festinar valde debeat, ut dicit Quint. t. 4. s. 8.) » Sed probabile est posse...

[*Latin ed. p. 60*]

Without irreverence, one may proceed out of necessity, as Croia, no. 614, states, and Gobius also, against Salmeron, *De Euch.*, ch. 9, p. 2, no. 25, with Bonaventure: "It is otherwise" in baptism and penance, if there is a probable fear that the sick person "may die" before receiving the sacrament; then, it should be administered, as Bonaventure states. Possevinus and others also hold this view, as stated in *S. Th.*, no. 243.

"3. It is permissible for a priest to carry the Eucharist to a sick person who is far away, on a gentle horse, provided that there is no danger of a fall," as Quintinus teaches, ch. 4, sec. 8. (Elbing also holds this view, no. 74, with Gobius, if it is due to the weather, distance, or because there is a danger in delaying. This was also conceded by Saint Charles in the acts of Milan, p. 4, under no. 54.) "But," Possevinus and Barbatus state, "unless the custom of the place permits," and they add that "it is not permissible

to give the pyx to a layman to carry, even if the priest is tired, but rather the chalice should be hung from the priest's neck."

4. The Eucharist should not be carried to a sick person merely for the sake of veneration, so that he may adore or kiss it, if he cannot receive it. This was also prohibited by the Congregation of Cardinals; however, it does not seem to prohibit carrying the Eucharist to the bedside for the sake of veneration, if it is celebrated in the house. (In this matter, one must certainly consider the decree of the Holy Council, in sec. 13, canon 7 (see Lugo, *Resp. Mor.*, book 4, part 14, no. 3), where it is declared: "It is not permissible to carry the holy Eucharist to the sick who are unable to receive it due to the severity of their illness, but they are accustomed to kiss it for the sake of veneration. And if in any place such a custom exists, it must be followed entirely, as Pius V prohibited."

244. "5. It is not permissible to give the Eucharist with other fingers, if it cannot be given with the index and thumb, as Bonaventure teaches, book 5, question 4, p. 2, and Possevinus, against Toletus, whose opinion seems safe, if otherwise the sick person were about to die without the Viaticum: especially if it is then given with two fingers. The question is, whether one who suffers from a malady of the fingers can administer the Eucharist with fingers other than the thumb and index? Mazzella affirms this, book 3, p. 433, no. 441, and Croia, book 6, p. 4, no. 490, with Arriaga, Leandrus, and Gobius, because, although only the first two fingers of the priest are anointed, the entire hand is consecrated. However, Diana states the opposite, p. 10, treatise 41, reason 40, Renzi, book 3, question 16, and Bonacius, book 4, p. 2, no. 10, with Possevinus. The reason is that, although the entire hand is consecrated, the index and thumb are, by the rite of the Church, assigned to this ministry. And although it is commonly admitted with Busenius, Diana, and Renzi, book 3, question 16, also Concilium, p. 109, no. 15, Salmeron, *De Euch.*, book 9, p. 2, no. 26, *Cont.* *Tourn.* *De Euch.*, book 5, article 2, after conclusion 4, before v. question 6, and Rona, book 4, question 3, reason 2 (against Bonaventure), that the Eucharist can be administered with the other fingers in a case of extreme or very serious necessity; nevertheless, it is commonly said by Palafox, book 2, part 6, p. 14, no. 3, and Layman, *De Irreg.*, book 5, chapter 7, no. 6, Bonaventure, ibid., title, book 7, question 2, chapter 2, no. 16, with Suarez, Molinos, Sayro, Avila, Fillon, and Rega, that if someone...

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If one has a thumb so infirm that he cannot break the bread, he cannot even celebrate the Mass. This is inferred from the last canon of the section on corrupting matter, where it is stated that someone should only be admitted to the priesthood if he has a thumb suitable for breaking the bread. The general rule is that what is an impediment to receiving ordination is also an impediment to exercising the office after ordination; see Salm. de cens. c.

7, p. 1, n. 2. And the same is said by Bon. l. c. Viva de irreg. q. 9, art. 4, n. 15, and Mazz. eod. tit. c. 5, num. 1, concerning a priest who had a hand unfit for use. 6. It is not permitted during a plague to offer the Eucharist by means of any instrument (much less to place it in a dish for the sick person to take themselves), but it must be given by hand, as taught by Bon. d. 4, q. 5, p. 2, and others. Although Possev. c. 8 states, not improbably, that it is possible, provided there is no scandal and no danger of it falling to the ground, to give it by an instrument properly prepared for that purpose. (Some hold that it is permissible in a spoon; however, others deny this, as Dian. p. 5, tr. 3, r. 50, and Renzi c. 3, q. 16 state, along with Fagund. and the Council of Milan, where it was forbidden. But it is considered by many to be not improbably permissible in such a necessity, as stated by Bus. Bon. p. 2, n. 10, as well as Manein. and Marc. apud Croiæ n. 486, and Salm. de Euchar. c. 9, p. 2, num. 27, along with Gavant. Leand., etc., because necessity seems to sufficiently excuse from the usual rite of the Church.) What is permitted in practice for a sick person who cannot swallow the bread is to give them the Eucharist, placing a particle of the bread with wine in a spoon, as admitted by Præp. in 2, p. q. 80, a. 5, d. 6, Esc. t. 7, c. 6, Dian. p. 4, t. 4, r. 104. (See the exception for use.) 7. A priest suffering from gout can be brought to the altar to administer the Eucharist there; provided that there is no other prohibition. Thus, Possev. c. 5, n. 50, and Bon. l. c. 245. — • Answer: 2. It is also required that he distribute it according to the custom of the Church; then, that he not (by his own words) refuse it to those who are indisposed in mind or body; finally, if he is a pastor, that he administer it to his flock whenever they reasonably ask for it. Bon. d. 4, q. 5, p. 1, n. 15. I said 1. According to the custom of the Church; because the legitimate order of the Church obliges under pain of sin. Therefore, it is resolved: He sins who gives the Eucharist under both species, in places, or to people, to whom it has not been permitted by the Pope. Also, if he gives the species of wine to a dying person who cannot swallow the bread (as is commonly said by Tab. c. 5, n. 3, along with Fag. and Dian., as well as Croiæ n. 614, along with Suar. Lugo, Dic., etc., against Ochag., etc., because the precept of Viaticum does not obligate when it cannot be taken in the proper manner, and according to the rite of the Church), it is permissible to try to excuse him in this way, according to Amic. apud Dian.

[*Latin ed. p. 62*]

p. 8. t. 1. r. 24. Bon. l. c. Sanch. Poss. Barb. contra ipsum Dian. p. 9. t. 9. et r. 64. II. He who dispenses [the Eucharist] without sacred vestments, or without light, or without a prior general formula of confession. (See d. num. 241.) III. He who gives the larger Host to a layperson; however, in necessity, or in a case of great devotion, it is permissible to break off a portion from a larger Host. (If this is done without a reason, it is not permissible, but it does not exceed a venial sin, as the learned Contenson

rightly says in the aforementioned passage, question 8, with Poss. It suffices for an excuse if the sick, a nobleman, a servant, or another who cannot wait without inconvenience, is to receive Communion, even if they are receiving only out of devotion, as the aforementioned Contenson, in the aforementioned passage, and the Council, p. 307, n. 12, and Salm. de Euch. c. 9, p. 2, n. 19, with Dic. Diana, Gran., etc., and Elbel, t. 3, n. 59, with S. Anton., Sylvest., and Bon. commonly state.) Or even when there is a deficiency of smaller Hosts, several larger Hosts may be consecrated; and then these are divided into smaller portions (not so small that they cannot be given honorably). Thus, Sa v. Euch. d. 4. q. 5. p. 1. n. 14. I have said. 2. By itself, it is forbidden: because otherwise, one will cooperate with sin. However, it can sometimes be given, e.g., if one cannot refuse without causing scandal, or without serious harm to oneself, or to a penitent. See Bon. l. c. Possev. c. 5. n. 8. Therefore, I resolve: 246. — 1. He sins who gives to children before the age of reason (unless at the point of death), which is usually around the age of ten. (See below, n. 301.) 2. He who gives to the insane, when they have never used their reason. But if they have used their reason, it can and should be given to them at the point of death, if it can be done without danger of irreverence, and if it is not certain that they have become insane in a state of mortal sin. Laym. here, c. 4, num. 4. (See the aforementioned, n. 302. Qu. II.) 3. He who gives to a public sinner, e.g., an actor, one who performs indecent comedies with a mortal representation, a usurer, a prostitute, a concubine; about whom see Fill. t. 4. n. 166, and following. (See the aforementioned, n. 46.) I have said, "public sinner": because, if you only know secretly that someone is indisposed, then it should be refused only secretly, not publicly to the one who is asking: unless the indisposition is known from confession; then, indeed, it is not even permissible to warn them, as Sanch., Bon., and Laym., l. 5, t. 4, c. 6, and Card. de Lugo, d. 8, c. sac. s. 8, num. 189, teach. (See the aforementioned, n. 49, and 50.) 247. — 2. He also sins who refuses to those who are facing death (to whom, indeed, some can be given, even an hour before death, as Sa says; and it should be given, if possible, not in prison, or in another dishonorable place (even to those who have been captured for crimes, provided they show repentance: even if they deny the crime, and violent suspicion remains. Tann. t. 3. qu. 5. d. 4. (Contenson denies in d. 4, c. 1, sp. 3, that it can be given to the condemned.)

[*Latin ed. p. 63*]

Those who are excommunicated or interdicted cannot receive Communion, unless they have previously expiated their crimes through penance. However, it is rightly affirmed that, according to the decree of the Council, it is permissible to administer Communion to those who are disposed through confession (P. Conc. p. 310, n. 5; Juenin. p. 272, concl. 3), as is the practice in Italy and Germany (but differently in France and Spain); and

even to those who are near death, if necessity demands, as Concina states: for the Council of Nicaea, canon 43, prescribes that the Eucharist should be given to all who are approaching the end of life.

3. It is right to administer Communion rarely, for example, during Easter, to the semi-infirm, and to those who have a weak understanding, provided that they at least know how to distinguish this food from profane things, as Henry and Posselius state. The same may be said almost without exception of the deaf and dumb from birth. See Laym. here, n. 2. Communion may be given to those who are possessed by a demon, provided that they can receive it without irreverence. Thus Suarez, *Bon. Reg.* (See the aforementioned, n. 303).

4. If a pastor refuses to administer Communion to those who are in danger of death, such as those infected with the plague, he sins gravely against justice and charity. (See the aforementioned, n. 233). Another priest, however, who, in such a case, and in the absence or unwillingness of the parish priest, would refuse to administer Communion, would sin only against charity, according to Chapu, *moral. q. 37, n. 2*.

5. The pastor is obliged to keep the Eucharist in a tabernacle with a light in the church, so that he may be able to administer it to those who properly request it; it is not permitted to keep it elsewhere, not even in the chapels of nobles, or in the choir of nuns, or within the cloister of a convent, as the Council of Trent, Session 45, de reform., chapter 40, states (unless with permission on a solemn feast) in a pyx; which pyx does not necessarily need to be consecrated, but if it is not consecrated, it should be lined inside with a linen cloth made from consecrated material, as Vasquez, Azor, and Regius teach in *praxit.*, vol. 2, book 29, chapter 9. (See the aforementioned, n. 424, near the end).

6. If, through gravely culpable negligence of the pastor, or of anyone to whom this care has been entrusted, the light is not kept burning before the venerable Sacrament for an entire day, or for several entire nights, he commits a mortal sin (unlike if it is only for an hour), as Quintus teaches, *t. 4, s. 1, and 7*; also, Dian, p. 9, *t. 6, r. 34*; but Marchant, in *Res. Pastor.*, *t. 4, c. 5, q. 4*, denies this obligation and the universality of this custom; and he also denies that a light is required when the Sacrament is being carried outside, and that it can be omitted for this reason, as when it is being carried to a sick person who is far away, and it is not convenient to do so with a light. (See the aforementioned, n. 241, *Ministrare*).

249. Several questions, diverse and useful, are to be resolved here.

Question I. Can Communion be given at a Requiem Mass? Here, three doubts arise.

Doubt I. Is it permissible to administer Communion?

[*Latin ed. p. 64*]

After Mass? Gavantus, part 2, title 10, number 6, letter n, and Croix, book 6, page 1, number 492, according to the Decree of the Sacred Congregation of Rites, published on January 22, 1701. But Pignat, volume 9, Council 90, number 38, Quarti, page 2, title 10, number 6, and Merati, in the same place, number 28, with Castaldo, and others, cite Probabilia from the Council of Trent, session 22, chapter 6, where it is said: "The most holy Synod desires that those present should partake of the Eucharist at each Mass." Note that it says "at each Mass," therefore also at Masses for the dead. Furthermore, in the canon of the Missal for the Dead, it is said: "May those who partake of the most holy Body and Blood of Your Son from this altar, etc." Then, further on, after the communion of the celebrant, it is said: "If there are those to be given communion, let him give them communion before purifying himself." Merati also states that these words were inserted in the Missal for the Dead during the time of Urban VIII, who prescribed among other things: "Communion should be given during the Requiem Mass in the same way; nor should any blessing be given." (1) This does not contradict the opposing decree of 1701. For, as Merati himself states, he found a note in the directory of the Church of Genuensis in 1745, which stated that although, in 1701, the Sacred Congregation had forbidden communion to be given at Masses for the dead, the same Sacred Congregation had, for new reasons, prohibited the repeal of the aforementioned decree. Then, the same author states that on March 21, 1741, this same question was raised again, and the Sacred Congregation decided to suspend the decree of 1701. Therefore, today, everywhere, the practice of giving communion within the Requiem Mass is in force; indeed, today it is certain that it is permitted by the Decree which will soon be referred to.

Doubt 2: Is it permissible to give communion at a Mass for the dead from particles consecrated at another Mass? Merati, number 30, and Benedict XIV, in "De Sacrificio Missae," volume 9, book 3, chapter 18, affirm this, stating that the opposing opinion should in no way be admitted, as it is newly invented, since all authorities and rubrics never mention this limitation. It is not relevant that the particles consecrated do not pertain to the same sacrifice, for it is sufficient for the full effect of the sacrament to be received that the faithful partake of the same victim. However, Merati considers a certain decree to the contrary, which is mentioned in a certain calendar of 1736, to be certain. He himself states that he has used all diligence in searching the records of the Sacred Congregation, in which he was never able to find such a decree. But despite these objections, on September 2, 1741, a new decree of the Sacred Congregation was issued in Aquensi, in which it was stated: "In Masses for the dead, which are celebrated in black vestments, the Eucharist should not be administered as a sacrament, that is,

with consecrated particles, by taking the pyx from the repository. However, it may be administered as a sacrifice, as is the case when it is offered to the faithful."

(1) That is: If communion is given during the Requiem Mass, the same should be done, and no blessing should be given.

[*Latin ed. p. 65*]

It is permitted to administer Communion with consecrated particles within the same Mass (1). However, it should be noted that on June 21, 1670, a different decree was issued in Pritana, namely: Masses for the dead cannot be celebrated except with black vestments, or at least violet ones. Given that it is only prohibited to administer the Eucharist in black vestments, and that Masses of Requiem are permitted in violet, it follows that it is permissible to administer the Eucharist with consecrated particles in Masses for the dead, which are celebrated in violet; and furthermore, to administer it both before and after the Mass.

Doubt 3: Can Communion be administered by the celebrant before or after a Mass for the dead? Merati rightly denies this, because outside of Mass, Communion is never distributed in black vestments, since, according to the Roman Ritual, one must use a stole of the color appropriate to the office, or at least of the color white, as Merati believes with many other Doctors. This was also approved by St. Charles in Syn. Prov. 1, p. 4. Furthermore, it is certain from the Roman Ritual that, within Masses for the living, Communion should be given to the people immediately after the priest's reception, unless a just reason dictates otherwise, such as if many are present, and there is suspicion that some of them might become bored by a longer Mass, as taught by N. P. Benedict XIV in *De Sacrificio Missae*, vol. 9, book 3, chapter 18, 250.

Question II: What should be done in the case of a dropped host? First, the spot should be covered with a clean linen cloth, and then washed, as the Rubrics prescribe, although this is not obligatory under pain of sin, as Pasq. notes in Croiae, book 6, p. 1, no. 49. Holzm. no. 87 adds that, with the approval of the Governor, Pelliz, Tamb., and Lohn, it is sometimes permissible to omit the washing of the vestment or beard, in order to avoid disturbing the people. The place where the particles of wine fall should always be washed, as soon as they are noticed, even if it is not necessary to burn them. If the host falls on a woman's breast, the priest himself should not remove it, but the woman herself should remove it with her hand, and place it in the ciborium. Croiae no. 495, with the approval of Pasq. and Lohn, 251.

Question III: What should be done with fragments of hosts? In the Rubrics of the Missal (Title 7, no. 2), it is stated: If the priest finds, after the reception of the body and blood, or even after the ablution, any consecrated remnants, he should take them, whether they are small or

large, because they pertain to the same sacrifice. And this is not only done immediately after Mass, as is customary in Croiae, book 6, p. 1, no. 496, (1) St. Alphonsus in his dogmatic works: *Historia dell'Eresie*, Confutation 10, no. 41, held the affirmative opinion, but in later editions of *Theologia Moralis*, the revision of which he held in his hands in 1773, he proved the negative. Therefore, it is false that St. Alphonsus presented this opinion in his praised dogmatic work, already published in 1772, that it is not permissible to give Communion from consecrated particles in a Mass for the dead.

[*Latin ed. p. 66*]

But even if the priest is in the sacristy, still wearing his sacred vestments, as they say ibid. Gobat, Granad, Diana, etc., and as Benedict XIV agrees in *De Sacr. Missæ*, book 3, chapter 47, paragraphs 5 and 6, against Lugo, decree 15, paragraph 82. And they say that this can be done by Tamb. and March. ibid., even if those fragments are relics of another sacrifice, because (as they say) all Masses are considered to be one sacrifice in species; and this is considered probable by Cont. Tourn in *De Euch.*, chapter 6, article 2, section 4, doubt 4. This opinion; but it is better, generally, to deny this, as Caj., Sylv., Nav., Vasq., and Bon. say in Cont. Tourn, cited above, as well as Lug. in the aforementioned place, paragraph 81, and Croix, paragraph 497, with Suar. and Tann., unless there is a danger of irreverence; otherwise, it will not be permitted, first, because, as mentioned above, the rubric states that the priest cannot take the relics after the ablution, unless they pertain to the same sacrifice; second, because the taking of relics from another sacrifice does not pertain to the perfection of that sacrifice, just as the taking of relics from the same sacrifice does. It is said, still wearing the vestments; for if the priest has already removed his sacred vestments, then the aforementioned Benedict XIV, in the same place, with the Patavin clergy, says that the relics should either be placed in the tabernacle, if there is one, or reserved for another priest to celebrate the same Mass that morning; otherwise, they should be taken by the same priest who celebrated. Here, however, it should be noted that if the priest is bringing Communion to a sick person in a hospital, and the relics remain in the paten or chalice, the priest can take them, if he is still wearing his sacred vestments, as Pal., Tamb., and Burgh. say in Croix, in the aforementioned place. In Bena, however, he can also give them to the sick person immediately after giving him the particle, because then it is considered morally to be one Communion, as Tambur., Burgh., with Marchin., say correctly in the aforementioned place, and Lugo, decree 15, paragraph 80, who testifies that this practice is followed, so that after the sick person has received Communion, the pyx is washed, and the washing is given to him. Also, it should be noted what is added in the aforementioned rubric, paragraph 3. If, however, a whole, consecrated host is left, it should be placed in the tabernacle; if this cannot

be done, it should be left for the next priest to take; if neither of these is possible, it should be kept decently in the chalice itself; and if there is no suitable way to keep it decently, he himself can take it. However, particles found outside the corporal, whether they are consecrated or not, should be taken even after the ablution (4), as Bon., Henr., and Gob. say in Croix, paragraphs 498, 252, and Question 4. At what hour can Communion be dispensed? It is answered: In itself, it can be dispensed at any hour of the day, because there is no prohibition regarding this; this is generally taught by Pal., point 16, number 3, Ronc., chapter 4, question 6, Salm. in *De Euch.*, chapter 8, page 3, number 38, with Ang., Con., and Fag., and Bon., question 7, page 4, number 14, with Sylv., Sa., Tab., Az., Possev., Henr., and Suar., 3, page d. 80, section 4, in fine, where St. Ambrose is quoted as saying that it was once customary to celebrate, and (1) "But it is better with the same ablution." Thus, St. Alphonsus, *Homo Apostolicus*, book 15, paragraph 9, edition.

[*Latin ed. p. 67*]

Giving Communion towards the end of the day. We have said, speaking in general terms; for, as all the aforementioned authors state, it is not permitted to administer the Eucharist at night, or in the evening (that is, in the latter part of the day), either because of the scandal it would cause, or because of the present custom of the Church, contrary to Avers. in Croice, book 6, page 4, number 493, who says that it is indeed fitting that Communion be given in the morning, but that it is also permissible to give it in the evening; but this, according to Pal., book cited, with Concini, Tamburrini, Sa, and Suarès, and Jordan in Croice, book cited, is only permitted if there is some special reason. And this seems probable if it is given in the evening; for I believe that, as Salm. cited, number 38, in the notes, and Bonini state, it is not permitted, except in the sole case of necessity. Thus, it is also not permitted to give Communion at the Mass of the Nativity of the Lord, which is said at midnight, according to the decree of the Sacred Congregation of Rites, cited by Benedict XIV, volume 9, book 3, chapter 18, nor on the day of Paraskeve (Friday), according to the decree of the same Sacred Congregation, on February 19, 1622, cited by Gavant, title 9, section 4, number 25. And although this decree is not found in the registers of Merati, the Sacred Congregation, on February 12, 1679, cited by Benedict XIV, in the place cited, ordered the Ordinaries to ensure that the rubrics of the Missal and the customs of the Church of Rome are observed regarding Communion on the feast of Paraskeve (Friday). From this, our Pontiff rightly infers that Communion is forbidden on that day, both because the rubric of the Missal for the feast of Paraskeve states that certain things must be observed for the sick, and thus the healthy are excluded; and also because, according to the custom of Rome, the Eucharist is not distributed on the feast of Paraskeve. However, on the holy Sabbath, there is no decree prohibiting Communion;

but Macrius, in his Ecclesiastical Vocabulary, says: "In the Mass of the holy Sabbath, that antiphon is not said which is called the Communion, because the people did not receive Communion, which now ought to be done." However, this reason does not seem convincing; for the learned Father Merati, page 4, title 10, number 56, with Grancolas, Moretto, and others, sufficiently proves that formerly, at the Mass of the holy Sabbath, all received Communion, not only the little ones, but also the rest of the faithful, as it is clear from an ancient Roman Ordination, where it is read among other things: "Let all receive." He also adds, with Gavant, Grancolas, and Durando, that Communion, and the post-Communion prayer, are omitted today not for any other reason, except because they have been replaced by Vespers, which are rather acts of thanksgiving, than the Office of Vespers. Therefore, we do not have anywhere where it is forbidden to give Communion on that day; hence, Viva de Euch., question 4, article 9, number 1, states that on any day, the reception of the Eucharist is permitted, except on the feast of Paraskeve. Indeed, it is well known that in many churches of the kingdom and in the city of Neapolis, and especially in its Cathedral, Communion is given to the people after the solemn Mass.

253. — Question V. How often is the parish priest obliged to administer the Eucharist to his flock? Some have said that the parish priest is only obliged to do so at the time of the precept, and at the point of death. Thus, Sylv. and Rich. But generally, these are rejected by those who teach that he is obliged to administer it whenever his flock reasonably and opportunely requests it. Thus, according to comm., with Bus. number 245, Soto, Suarès.

[*Latin ed. p. 68*]

Fill., Pal., Dic., Vasq., Azor, and others, with Salm., c. 9, n. 29. The reason is that it is the duty of the pastor to provide, not only that the sheep fulfill the precepts, but also that they avoid those things which are very harmful to their progress.

254. — Question VI. What should be thought concerning the use of daily Communion? Some have spoken badly, who said that daily Communion should be encouraged, indeed, prescribed, for all those who are in the state of grace. Although St. Augustine said: "Receive daily, that it may profit you daily"; nevertheless, he adds: "Live so that you may deserve to receive daily." Hence, St. Thomas says (p. 3, q. 80, a. 10), that it is required that one approach with great devotion and reverence... but because often in many people, many impediments occur to this devotion... it is not useful for all people to approach this sacrament daily. Therefore, it was rightly condemned by Innocent XI, proposition 56, which said: "Frequent confession and Communion, even among those who live secularly, is a sign of predestination." It should rather be said, it is a sign of reprobation. On the other hand, others judge too severely concerning daily or frequent Communion, those whom they keep away from it, if these cannot, with great purity

and fervor, derive benefit from it. For it was condemned by Alexander VIII, proposition 23, which said: "Similarly, those in whom there is not yet the purest love of God, and who are free from all mixture, should be kept away from the Holy Communion." It is not surprising, therefore, if some ancient masters have spoken severely on this matter, because at that time, such rigor was in force, which does not prevail today. Therefore, on this point, careful attention must be paid to the decree of the Holy See, published in the year 4679, and approved by Pope Innocent XI, as is fully explained by Croix, n. 665, where, among other things, it is stated first that the frequent or daily use of the Eucharist has always been approved in the Church by the Holy Fathers; but, because of the diversity of consciences, nothing can be established about it. Then it is declared: "The frequent approach (to the Eucharist) is to be left to the judgment of confessors, who, considering the purity of conscience, the fruitfulness of devotion, and the progress in piety of lay people, merchants, and married couples, who look to their salvation, must prescribe what is suitable for them." Afterwards, it is added: "In this, therefore, the diligence of pastors will especially be exercised, not to deter anyone from taking the sacrament, either frequently or daily, or to establish general days for taking it. But rather, what is permissible for each individual, or what the parish priest or confessor believes should be prescribed for him (he speaks of the Bishop), must be carefully considered, and it must always be ensured that no one is repelled from the sacred communion, whether frequently or daily." Finally, it is concluded that Bishops, where such devotion (that is, the frequent use of Communion) flourishes, should give thanks to God for it, and should foster it, using prudent moderation and judgment.

[*Latin ed. p. 69*]

What is to be noted concerning this pontifical decree is this: Firstly, it is prescribed that Bishops, and even more so, parish priests, although they may, in particular cases, deny Communion to some of their flock, are by no means permitted to generally prescribe the number of days for which Communion is received. Indeed, they must entirely ensure that no one is deterred from frequent, or even daily, Communion, the practice of which they are, according to the rules of prudence, rather obliged to encourage. Secondly, it is prescribed that such a practice of frequent, or daily, Communion (even for merchants and married couples) should be left to the discretion of confessors, who, according to the purity of conscience and the advancement of souls, should prescribe the appropriate number of Communions. Hence, it must be said that the confessor should take into account, from the fruits of the present time and from the desire of the penitent, a rule for increasing or diminishing the practice of Communion. See what we shall say on this point with greater force in the section on the duties of confessors, § last. As to whether one who administers the Eucharist to a

dying person commits a mortal sin; see n. 35, where we have adopted the affirmative opinion.

DOUBT II. CONCERNING THE SUBJECT, OR RECIPIENT, OF THE EUCHARIST.

ARTICLE I. What disposition of the soul is required?

353 Concerning the precept of confessing before receiving Communion.

353 Q. I. Is this precept divine, or ecclesiastical?

357 Q. II. Is one who, after confession, remembers a mortal sin, obliged to confess it before receiving Communion?

Q. III. Is one obliged to confess?

358 What if the priest doubts about a sin committed? Refer to n. 476, concerning the Sacrament of Penance.

359 Neither fame, devotion, nor poverty excuses one from confession.

360 However, the following do excuse one:

1. The danger of death, and the necessity of administering the Viaticum.

2. Societal obligations, or a notorious infamy.

What if the Viaticum is withheld from a sick person who is unable to fully complete the act of contrition?

361 What if the people, or the priest himself, should be deprived of Mass, or of Holy Communion?

363 What if the priest, while celebrating, commits a grave sin, or remembers past sins, is he obliged to confess if he can? And is he obliged to abandon the Mass if he cannot confess?

363 What if a lax person remembers a mortal sin while among those receiving Communion?

364 When is it considered that there is a lack of a confessor? And what distance excuses one from seeking a confessor? What if there is only a simple priest, or an excommunicated confessor, etc.?

366 Q. I. What if the priest has a reserved sin, and there is no confessor available?

Q. II. Is he then obliged to confess both reserved and non-reserved mortal sins?

Q. III. What if he has a reserved excommunication?

368 Q. IV. How is the precept of confessing to be understood?

Q. V. Is the priest celebrating Mass obliged to commit sacrilege in any other way?

[*Latin ed. p. 70*]

267 Q. VI. Is the celebrant absolved from sin, and forgetful of his sin? Q. VII. Is a priest who has not confessed, but remembers his sin after the

consecration?

268 Q. VIII. Does the precept of confessing before receiving Communion obligate even those who are lax?

269 The Effects of the Eucharist.

270 Q. I. Is it a new sin to approach the Eucharist with habitual venial sin? Q. II. Does one who receives Communion with actual venial sin commit a venial sin, and lose the fruit [of Communion]?

255. — R. He who is in a state of mortal sin is bound by a mortal sin to confess before receiving the Eucharist, unless there is a necessity for celebrating or receiving Communion, and a confessor is absent. (For both must concur to excuse one from confession, according to the Council of Trent.) Thus, the Council of Trent, Session 23, chapter 7, and canon 14, where those who teach the contrary are excommunicated. This is based on 1 Corinthians 11, verse 28: "Let a man examine himself, and so eat of that bread, and drink of that cup." And it makes little difference to practice whether this is only an ecclesiastical precept, or a divine one, which is more probable, as Suarez, the Younger, and others teach. I said 1. In mortal sin; first, because the Eucharist removes venial sins, by its very operation; second, because venial sins (even if they accompany it, or even make the very act of receiving Communion venially sinful) do not obstruct sanctifying grace. However, if they are many, and are grave within their own category, and no repentance is conceived for them, they will impede actual devotion and a greater fruit. Suarez, Layman, and others.

256. — Question. I. Is this precept of confessing before receiving Communion a divine, or an ecclesiastical precept? In the Council of Trent, Session 23, chapter 7, it is written: "Especially when we read in the Apostle the words full of dread: 'Whoever eats the bread or drinks the cup of the Lord unworthily, eats and drinks judgment to himself, not discerning the body of the Lord.' Therefore, when one wishes to receive Communion, he must remember the Apostle's precept: 'Let a man examine himself.'" However, ecclesiastical custom declares that this examination is necessary, so that no one conscious of mortal sin, however contrite he may seem, should approach the Holy Eucharist without the preceding sacramental confession. Furthermore, concerning these words, others, such as Navar, *Medicina Spirituali*, Palatium, page 12, number 2, say that the precept of confession is only ecclesiastical, and they infer this from those words: "When one wishes to receive Communion, he must remember the Apostle's precept." However, the common and true opinion, held by Suarez, d. 66, section 3, Palatium, loc. cit., number 3, Lugdunum, d. 14, number 69, Council of..., page 337, number 2, *Controversiae de Eucharistia*, chapter 6, article 3, conclusion 4, and others, teaches that this precept is divine. The reason is, that on the one hand, it is clear that, according to Christ's precept, an examination must be made, since the Apostle testifies that he received it from

the Lord; on the other hand, from the same Council, it is clearly evident that...

[*Latin ed. p. 71*]

This requirement is proven by confession; for although this precept is referred to the Apostle, as Lugo understands it, nevertheless, the Council did not say that this precept of confession was introduced by ecclesiastical custom, but rather that such a precept was declared by it; hence, by divine precept, confession is commanded. This does not impede this, because it is said to be the precept of the Apostle, since truly it is the precept of Christ promulgated by the Apostle. 287. — Question II. If someone, after confession, remembers a mortal sin that was culpably forgotten, are they bound to confess it before Communion? And the case is, when through universal sorrow, the sin has already been indirectly remitted. The most common opinion among Doctors affirms this, and Lugo, d. 14, no. 126, Suar., d. 66, sect. 3, Pal., p. 41, Bon., p. 4, no. 17, Conc., p. 335, no. 6, Nat. Alex., art. 2, §. 4, Tamb., de Commun., c. 4, §. 8, no. 62, Diana, p. 9, tract. 3, r. 4, Croiae, no. 539, and Salm., de Euch., c. 7, p. 3, no. 30, along with the Council, etc., hold this view. The reason is that it seems expressly commanded in the Council of Trent, session 43, canon 7, from the aforementioned words: "That no one who is conscious of a mortal sin, although he may seem contrite, should approach the Holy Eucharist without the preceding sacramental confession." Therefore, he who is conscious of a forgotten sin before Communion, ought, according to this precept, to confess it before Communion. All the more so, because this precept is thus explained by the universal practice of the Church. However, it is commonly excepted, as they say, Conc., p. 343, no. 48, Cont. Tourn., loc. cit., after concl. 4, Bon., l. c., no. 18, along with Suar., Conc., Reg., etc., and Tamb., no. 63, along with Henr. and Vict., the case in which someone cannot confess without danger of scandal or infamy, for example, if he is celebrating, or is already in the sanctuary of the communicants, from which he cannot withdraw without being noticed. However, it must be diligently noted, with Bon., d. 4, q. 6, p. 1, no. 49, that scandal is said to occur when there is an opportunity for detraction or rash judgment, and not merely when there is an opportunity for admiration. The second opinion denies this, and Garcia, in Sum., tract. 3, diff. 5, dub. 4, part. 5, no. 50, Præpos., q. 80, a. 5, dub. 3, no. 15 (who at least, speaking speculatively, strongly defends it), Hieronymus Ferrantinus, de scand., q. 10, also Honorius, and Fabri, apud Croiae, no. 539, hold this view, and Cornejo and Regin. apud Diana, loc. cit., consider it probable, and the learned Cont. Tourn., ibid., most recently defends it vehemently, along with Arriaga, Gibert, and Pontas; saying that the first opinion is based on no probable reason. I know that Diana, although in choosing opinions, tends very much towards the more lenient side, and often leans more than is proper, nevertheless, in this question, forgetting his own leniency, calls the

second opinion entirely improbable, and reports that it was removed from use by order of the Spanish Inquisition.

[*Latin ed. p. 72*]

The opinions of Father Cornejo. However, considering the intrinsic reasoning, this opinion (subject to the better judgment of wiser men, to whom I submit) seems to me to be entirely in agreement with *Cont. Tourn.* The reasoning is as follows: since he has preceded communion with confession, he has already fulfilled the precept of confession, and by virtue of which, the sin is already indirectly remitted, and the penitent is already considered justified. Although he is still obligated to subject that sin to the keys before death, or when the precept of confession demands it, it does not necessarily follow from the Council of Trent that he must confess it immediately before communion. Some argue: In the Council, it is commanded that a person conscious of sin should not receive communion unless preceded by confession, even if contrite; therefore, someone who remembers a sin forgotten before communion should necessarily confess it. But it is replied that in the Council, it is only prescribed that a penitent should approach communion justified, not only by contrition, but also by confession; but here, he is already justified by confession, and therefore he is not obligated to confess it again immediately before communion. However, the practice of the faithful, which is opposed to this, should not be considered as a certain rule of obligation, but rather as a pious and commendable practice, which I also believe should be encouraged as much as possible, given the circumstances; nevertheless, my most illustrious and learned master, Dom Julius Torni, and another theologian examiner in the city of Naples, very versed in moral matters, along with other learned and recent authors consulted by me, have affirmed that this second opinion is very probable.

Question III. Is a penitent who remembers a mortal sin, which he culpably forgot in confession, and who, according to the opinion just mentioned in the preceding question, is either unable or unwilling to confess it, obligated to elicit an act of contrition before communion? Medina, apud Lugo, d. 14, n. 121, and Diana, p. 2, tr. 14, r. 48, cite the following authors in support of this opinion: Reg. Suar. and Graff. But Lugo, in the same place, and Escob. l. 20, de Euch. prob. 56, state that they have not found any of the aforementioned authors teaching this opinion. Others, as Lugo, n. 122, Holzm. t. 1, p. 350, n. 69, Escob. n. 290, with Præpos. and Gran., and *Cont. Tourn.*, in the same place, v. Quær. 3, with Sylvio, and Quarti, reject the first opinion, based on the following reasoning: for a person who is completely justified (as is assumed), his own justification is sufficient; and there appears to be no basis for requiring this contrition: not from a precept, because it is not prescribed anywhere; not to remove the sin, because it has already been removed by the confession previously made.

258. — ″1. He who doubts whether he has committed a mortal sin, or

whether he has confessed a mortal sin properly, is obligated to confess before communion. Thus, Bonaventure, d. 4, q. 6, p. 1, according to Sanch., Reg. Suar., and others." (But see what is said about the sacrament of penance, n. 474.)

259. — "2. I said, unless there is a necessity (not any necessity, see above, e.g., on a feast day).

[*Latin ed. p. 73*]

"Celebration, or great devotion, as some wish." (And thus Armilla feels; but the opposite must be held, as stated by Bus and Salm in *De Euch.*, ch. 7, p. 3, no. 42, with Suarez, Led, Fill, Bonac, and the common opinion. As neither does the poverty of a priest excuse the celebration, unless it is very grave, as Croica states, no. 535.) "But a grave, or urgent, reason, such as is required in the following cases, must always be accompanied by contrition; to which you must adhere, unless you have already been contrite for the sin that occurs." *Praep.* Card. de Lugo, d. 14, sect. 6, no. 432, 260. — "4. Danger of death, or in order to consecrate the Host for a dying person." Suarez, *Con. Card. de Lug.*, d. 4, sect. 5, no. 407. (With Conc., p. 343, no. 18, and Cont. Tourn. *De Euch.*, cap. 6, art. 3, concl. 4, see Dico, 2, and Antoine, p. 485.) "2. If the sacrifice, or Communion, cannot be omitted without grave scandal or infamy." The same authors. (With Conc. and Cont. Tourn., unless a confessor is absent; or if confession cannot be completed due to a lack of time, as Tamb. *De Comm.*, ch. 1, no. 36, states, with Granad. In this case, Cont. Tourn. rightly states, ibid., v. Quæres 1, that if someone is seriously ill and in imminent danger of death, the confessor should hear their more serious sins and absolve them, imposing on them the obligation to complete their confession if they recover. But if there is no such danger, Cont. Tourn. believes that the priest should try to elicit contrition from the sick person and give them Communion, if it cannot be omitted without causing scandal. However, Ronc. *De pæn.*, ch. 3, q. 1, r. 2, and Sporer, ibid., tit., no. 466 (and Tamb., no. 37, believe it is probable that the confession could then be shortened, with the same obligation to complete it later.) 261. — "3. If the parish priest is obligated to celebrate, so that the people may hear the Holy Sacrifice." Ibid. (And there is no one else to celebrate, as rightly noted by Palaus, no. 7, Antoine, loc. cit., and Salm, *De Euch.*, ch. 7, p. 3, no. 52. And the parish priest cannot omit the celebration without causing scandal.) "For this reason, Dian also believes that it is permissible for another who is not a parish priest to do so," with eleven others, p. 9, t. 3, r. 9, against Palaus, Aversam, etc. (Who more truly contradict Salm, ibid., no. 63, Lugo, d. 14, no. 11, and Ronc., qu. 3, because the people would sin the least by not hearing the Sacrifice.) "4. If the precept of annual Communion is urgent, as taught by Henriq., and the Prefect believes it to be probable, or if the priest cannot hear Mass unless he celebrates, as stated by Henriq. and Sot., Dian, r. 63 and 64, and not

disapproved by C. Lug., 1, c. It seems more likely that Conc., Sa, Suarez, and others teach that, if there is no scandal or infamy, it is permissible to celebrate the Mass and even to omit the Paschal Communion, because these precepts do not obligate when they cannot be fulfilled properly according to divine law." (Regarding hearing Mass, Sylv. and Palud. hold that it is permissible for a priest to celebrate, and Suarez, Lugo, believe it to be probable.)

[*Latin ed. p. 74*]

Fill. apud Salm. ibid. n. 54. Sed melius contradicunt Cont. Tourn. loc. cit. v. 1. Non præponderat, Lugo d. 14. n. 145. Conc. p. 345. n. 26. cum Suar. Laym. et Bon. quia præferendum est præceptum divinum ecclesiastico. Quoad communionem verò Pal. p. 12. n. 7. cum Sot. Palud. etc. de Lugo n. 146. cum Con. Henr. et communi ut asserit, affirmant posse fieri communionem sine confessione; sed negat Cont. Tourn. ibid. v. 2. Nec præpond. et Salm. ibid. n. 55. cum Suarez, et Reginald., quia præceptum annuæ communionis non obligat, quando nequit impleri debito modo. Utraque est probabilis. 262. — "5. Si sacerdos post consecrationem committat peccatum mortale, vel antè commissi recordetur, tenetur elicità contritione sacrificium prosequi: si verè id fiat ante consecrationem, et præsertim ante canonem, debet confiteri, si absque nota infamiæ potest, vel recedere, ut docent Sylv. Nav. Dian. et alii contra Sot. et Henriq. qui negant teneri, ob honorem sacrificii; putantque practicè esse probabile Laym. et Bon., eò quòd vix sine aliqua nota confessio fieri posset; nisi fortè in missa solemni, sub cantu, vel concione: quo casu tenebitur confiteri, ut notat Sylv. Quòd si verò nec contritionem possit elicere, secundum communem sententiam esset confitendum, vel desistendum: licèt Vasq. in 3. p. t. 3. d. 207. n. 3. et Hurt. de Euch. d. 8. putent probabile esse saltem non peccaturum mortalitate, quando non potest sine nota recedere; intellige, si conatus sit elicere, vel fecit, quod potuit. Vide Dian. p. 4. t. 4. r. 98. Card. de Lug. d. 9. s. 2. n. 8. ubi idem docet. Notat autem Dian. ex Præpos. satis esse, si quis bonā fide putet se esse contritum, licèt subdubitet. Hic dubitatur 1. An sacerdos qui inter celebrandum recordatur peccati mortalis, teneatur ante consecrationem, et præsertim ante canonem interrumpere missam, accersendo confessarium, ut confiteatur si possit sine nota? Negant Leand. et alii apud Dian. p. 3. tract. 4. r. 77. et dicunt sufficere ut conteratur, quia præceptum præmittendæ confessionis intelligendum videtur ante communionem inchoatam; non enim decet sacrificium incœptum abrumpere. Sed melius distinguunt cum Bus. Suar. d. 67. sect. 4. Lugo d. 14. n. 143. Pal. p. 12. n. 7. cum Vasq. et Bon. et Salm. de Euch. c. 7. p. 3. n. 49. et 50, cum Coninck et aliis multis, et dicunt quòd si sacerdos recordetur peccati post consecrationem, tunc missa non est interrumpenda, ut docet etiam D. Th. 3. p. qu. 83. art. 6. ad 2. et expressum habetur in Rubr. de Defect. t. 8. n. 4. Si verò recordetur ante consecrationem, et præsertim ante canonem, tunc debet confiteri, si possit;

quia, cum talis pars sit extrinseca sacrificio, benè potest missa interrumpi ob hanc rationabilem causam, uti fieri solet etiam ob concionem vel oblationes populi."

Fill, in Salm. ibid. n. 54. But the following contradict: Cont. Tourn. loc. cit. v. 1. It does not preponderate, Lugo d. 14. n. 145. Conc. p. 345. n. 26. with Suarez, Laym., and Bon., because the divine precept is to be preferred to the ecclesiastical one. Regarding communion, Pal. p. 12. n. 7. with Sot., Palud., etc., de Lugo n. 146. with Coninck, Henry, and the common opinion, assert that it is possible to receive communion without confession; but Cont. Tourn. ibid. v. 2. denies this, as do Nec præpond. and Salm. ibid. n. 55. with Suarez and Reginald, because the precept of annual communion does not obligate when it cannot be fulfilled in the proper manner. Both opinions are probable. 262. — "5. If a priest, after consecration, commits a mortal sin, or remembers a sin committed beforehand, he is bound by eliciting contrition to continue the sacrifice. If this is truly done before consecration, and especially before the canon, he ought to confess, if he can do so without infamy, or to withdraw, as taught by Sylv., Nav., Dian., and others, against Sot. and Henry, who deny that he is bound, on account of the honor of the sacrifice. Laym. and Bon. consider it practically probable, because it is scarcely possible to confess without some notoriety; unless, perhaps, in a solemn Mass, sung, or with a homily: in which case he will be bound to confess, as noted by Sylv. If, however, he cannot elicit contrition, according to the common opinion, he should either confess or withdraw; although Vasq. in 3. p. t. 3. d. 207. n. 3. and Hurt. de Euch. d. 8. consider it probable that at least he would not commit a mortal sin if he cannot withdraw without notoriety; understand, if he has attempted to elicit contrition, or has done what he could. See Dian. p. 4. t. 4. r. 98. Card. de Lug. d. 9. s. 2. n. 8. where the same is taught. Dian. notes from Praepos. that it is sufficient if someone believes in good faith that he is contrite, even if he doubts. The following is questioned: 1. Is a priest who, during the celebration, remembers a mortal sin, bound to interrupt the Mass before consecration, and especially before the canon, by going to the confessional, to confess if he can do so without notoriety? Leand. and others, apud Dian. p. 3. tract. 4. r. 77. deny this, and say that it is sufficient to be contrite, because the precept of preceding confession seems to be understood before the communion has begun; for it does not befit to interrupt a begun sacrifice. But the following make a better distinction with Bus., Suarez, d. 67. sect. 4. Lugo d. 14. n. 143. Pal. p. 12. n. 7. with Vasq. and Bon. and Salm. de Euch. c. 7. p. 3. n. 49. and 50, with Coninck and many others, and say that if the priest remembers a sin after consecration, then the Mass is not to be interrupted, as also taught by D. Th. 3. p. qu. 83. art. 6. ad 2. and it is expressed in Rubr. de Defect. t. 8. n. 4. If, however, he remembers before consecration, and especially before the canon, then he ought to confess, if he can; because, since such a part is external to the sacrifice, it is fitting that the Mass can be interrupted for

this reasonable cause, as is also done for a homily or for the offerings of the people."

[*Latin ed. p. 75*]

2. It is doubted whether a priest, in the case that he cannot confess before the consecration, is obligated to abandon the Mass. Pal. (Palafoxius) in his commentary, book 1, chapter 4, and Suarez, in his Disputations, section 4, deny this, citing St. Bonaventure, Victorius, and Navar. (Navarrete), chapter 25, number 76, who states that a priest, having become aware of a sin after the Mass has begun, should not cease, even if he could do so without scandal. The reason is that although the first part is not of the essence of the sacrifice, it is nevertheless joined to the sacrifice by the institution as a single sacred action; and therefore, once begun, it should be completed. However, Lugo (Lugo), in his Disputations, book 14, number 443, and Contenson (Contenson), in his work on the Eucharist, chapter 6, article 3, conclusion 4, with Sylvestri (Sylvestri), and D. Th. (Dogmatic Theology), 3rd part, question 83, article 6, second argument, state that the opposite opinion is safer. This is confirmed by the Rubric (Rubric of the Roman Missal), (3rd part, title 8, number 4 and 5), which states: "If, before the consecration, the priest remembers that he is in mortal sin, or that he is excommunicated, or suspended, or that the place is interdicted, he should abandon the begun Mass, unless it is feared that this would cause scandal." I said "more probable," not certainly, because it is not certain whether the Rubric, under the word "should," imposes a grave precept. Furthermore, Contenson and Palafoxius, in the places cited, with Vasquez and Laym, rightly point out that in such a case, it will hardly be possible to avoid being noted for infamy.

263. — 6. If, while seated among the communicants, one remembers a mortal sin that one forgot to confess, and one cannot depart without being noted or causing grave scandal, as held by Navar, Fillon, Regius, Card. Lugo, in his work, number 412, and others (see Salm, on the Eucharist, chapter 7, page 3, number 47, and commentary; see also number 258 above). "But one should not confess while presenting the Eucharist, nor is it fitting; in this case, even if one cannot elicit contrition, it excuses from sin" (Hurtado, in his commentary). (But one must strive to confess, as Vasquez, Lugo, etc., say in Croix, number 547. But see the words in this book, 6, number 33.) "Indeed, some Doctors, in Henry's work, excuse a layperson who has already confessed, even if he is noted and would cause scandal, because he is said to be justified and approved by his confession." This opinion is approved by Tamburini, in his exposition on the commentary, chapter 4, section 8, and it can serve for scrupulous individuals. See Regius, book 29, number 105; Bonaventure, book 4, page 40; Escobari, volume 7, chapter 6 (see also number 257 above).

264. — "I said 3. And what if the confessor is absent? It is not considered

an absence if he is absent, as some would have it, if he is absent from the one to whom he usually hears confessions, and who desires to confess to him, or to whom he is more devoted, or to whom he would confess more usefully: nor if a religious cannot confess grave sins to anyone but a secular priest, for fear of scandal to the religious order." (Amicus, Directory, page 9, volume 3, rule 13, but in the following cases): "1. If no one is present, and you cannot reach the absent one without great difficulty (considering both the weakness, age, and affairs of the person, and other circumstances, such as distance, lack of time), then..." (Bonaventure, in the place cited, number 30, from Suarez, etc.). (Hence, any serious inconvenience excuses.) (Salm, on the Eucharist, chapter 7, page 3, number 32, with Palafoxius, Vasquez, and others, throughout). "It is also permissible to be excused by the distance of the confessor, for fear of two things..."

[*Latin ed. p. 76*]

Regarding the distances, Gobat states with Marchant that Rhodes is one league, that is, three miles; and that Canus says that a distance of five quadrants is sufficient; thus, at Croix, number 354, who rightly says that with Aversa, and Dic., this must be judged according to the circumstances; then Pal. p. 42, n. 6, states that sometimes, considering the weakness of the priest, and the brevity of the time in which he must celebrate, a distance of 50 paces may be excused.

2. If there is no confessor present, unless he is ignorant of the language, or lacks jurisdiction, or is excommunicated, or not approved, or to whom you cannot confess without serious harm to yourself or another, or if you have only reserved sins, and there is no access to a superior; or if the superior, after being asked once and again by a pious confessor, denies the power to absolve. Tamb. in exped. com. c. 4, §. 6, from Fag. Limitat, however, Dian. p. 9, t. 3, r. 45, if you cannot avoid it without serious reason. Thus, Sylv. and others. However, even in these cases, contrition and the intention to confess are required; indeed, by the decree of the Council of Trent, the priest who celebrates in such a case is bound to confess at the first opportunity. This precept does not seem to extend to lay people, or to priests who are only receiving communion, as Nae. and Fagund. teach, but Sylv., Dian., and Bon. d. 3, q. 6, p. 4, 265, state.

Here, several questions must be clarified.

Question I. Is one who has a reserved sin, and who does not have access to a confessor who has the power, bound to confess to an inferior, in order to be able to receive communion? If this person has no other mortal sins than reserved sins, the Doctors agree that he is not bound to confess, but it is sufficient that he be contrite; thus, Lugo de Euch. d. 14, n. 87, at the end, and Bon. eod. tit. d. 6, p. 4, n. 34, Pal. p. 42, n. 6, Elb. t. 3, p. 94, n. 402, Suar. 3, p. d. 63, sect. 4, q. 80, art. 5, with Palud., Arm., and Adria, and Salm. de Euch. c. 7, p. 3, n. 37, with Con. Reg. and Led. However, Lugo and Bon., with

Lugo, Nugno, and Reg., believe that in this case, if the priest realizes that he does not have contrition, but only attrition, then he is bound to confess his venial sins, or a mortal sin that he has confessed before, so that he may at least indirectly be absolved from the reserved sin, and receive communion in the state of grace (and this is more probable, according to the opinion that will soon be given). Indeed, Lugo states in n. 403 that this can always be done, even if he has contrition, in order to more securely receive the Eucharist. But what if he has both reserved mortal sins and non-reserved mortal sins? The first opinion states that he is not bound to confess, and that he can receive communion, with only contrition; thus, Vasg. t. 4, q. 91, art. 3, dub. 9, Cont. Tourn. de Euch. cap. 6, art. 3, concl. 4, v. Hinc., and also Gerson and Ales, apud Lugo loc. cit., Sylv. and Rich. apud Dian. p. 3, tr. 4, r. 404, and also Armill. Præp. Trull. etc. apud Viva de Euch. q. 4, art. 7, n. 6, and this is rightly called probable by Suar. d. 66, sect.

[*Latin ed. p. 77*]

4. §. Fourth. Palagius and Fillon, in the aforementioned place. The reason is that that confession would be invalid before an inferior, since it is made to a judge who is not competent, who, because of reserved sins, by which the penitent is burdened, lacks all power over him; therefore, just as it is not possible to grant absolution for remitting one sin without another, so neither is the confession. The second opinion, however, is more probable, and is the most common, as held by Suarez, Palagius, Viva, *loc. cit.*, Council of Trent, Session 13, chapter 8, paragraph 348, number 32, Lugo, number 87, who calls it the common opinion, and Salmeron, *de Euch.*, page 3, chapter 7, number 36, with the Council of Regensburg, and the common opinion, as they also assert, must certainly be held in regard to confession. The reason is that, since the divine precept requires confession to be made before receiving Holy Communion, a confession must be made, at least formally, complete, if it cannot be made materially complete.

Question II. Is one, in making confession before receiving Communion, obligated to confess both mortal sins that are not reserved, as well as those that are reserved? The first opinion affirms this, and it is held by Suarez, Viva, the Council of Bonaventure, and Salmeron, *loc. cit.*, with Fillon, Nugno, and Soto, and Lugo, number 87, admits that this is the common opinion. However, none of the aforementioned authors present a reason for this opinion; but it seems that this can be assigned, namely, because the confessor must know the entire conscience of the penitent, in order to form a proper judgment as to whether he is capable of absolution, or not, perhaps because he is a recidivist in reserved sins. The second opinion, however, is no less probable, indeed, perhaps more probable, and denies that one is obligated, by itself, to confess reserved sins; and this is held by Palagius, page 12, number 6, Elbel, number 402, as well as Gerson, Alen, and Castrop, in Lugo, book 14, number 86, who considers it probable, along

with Major, Peter Soto, St. Antonin, and Salas. The reason is, first, that otherwise, one would be obligated to confess those reserved sins, first to an inferior, and then to a superior; and second, that, as stated above, there does not seem to be any obligation to confess those sins about which the confessor cannot be a judge, since he has no jurisdiction over them. I said "by itself," for I do not doubt that such a penitent, at times, for example, (as we said) if he is a recidivist in reserved sins, or is in imminent danger of relapsing, may be obligated to reveal even the reserved sins to an inferior, so that the confessor may properly judge his disposition, but this would be by accident, and not by itself, or by an obligation of the integrity of the confession, since in that case, the formal integrity is sufficient.

Question III. What if the penitent has a reserved excommunication? Some, as Soto, Sylvestri, Covarrubias, and Rosell, in Lugo, book 14, number 99, say, maintain that he can never receive Communion, except under pain of death. But commonly, Suarez, volume 4, book 31, section 3, number 6, Lugo, number 100, and Conin, book 8, number 107, contradict this, and rightly judge that he can rightly receive the Eucharist, if there is a grave scandal, or a notorious infamy. The reason is, because the precept of the Church, prohibiting excommunicated persons from receiving the sacraments, does not obligate when there is a concurrent precept of natural law, to avoid scandal, or to avoid a notorious infamy.

[*Latin ed. p. 78*]

He is obligated to endure such infamy with great discomfort. However, there remains a doubt as to whether a person who is excommunicated can then confess to one who lacks the authority to lift the excommunication? The first opinion denies this, and Vasquez and Sylvestri, in Lugo, n. 105, hold this view. Also, Soto, Canus, and Ledo, in Suarez, book 1, chapter 1, hold this view, and it is considered probable by Lugo, n. 102, Salmeron, in *De Euch.*, chapter 7, page 3, n. 38, and Diaz, page 4, treatise 3, response 104, with Paludanus, St. Antoninus, Sylvestri, Gabrel, and Maguelone. They say that such a person can indeed receive Communion, provided there is contrition, even if he has other mortal sins not reserved to penance; however, he cannot confess, since he is subject to excommunication, which forbids him from receiving the sacrament of penance. This is probable, but a second opinion is more probable, which affirms this, and is held by Lugo, n. 102, Sanchez, *Decis.*, book 2, chapter 8, n. 5, Suarez, book 1, chapter 1, n. 6, with Anglerius and Salmeron, cited, n. 38, and Coninck. The reason is that, in this case, excommunication, just as it does not prevent the reception of the Eucharist, also does not prevent the reception of penance, which should be received when possible, in order to observe the divine precept of confessing before receiving Communion. Suarez, Sanchez, Lugo, and Salmeron rightly demonstrate that someone can be validly absolved from sin, even without a prior absolution from censure: as Suarez rightly

says, "the prohibition of the Church that an excommunicated person not receive the sacraments, cannot invalidate the value of the sacrament, which depends on divine law." For, an excommunicated person would only invalidly receive the sacrament of penance to the extent that, with the prohibition of the Church in force, he approaches in an improper state; but when necessity arises, this rightly exempts him at that time from the prohibition of the Church, and he then validly and licitly receives penance.

266. — Question IV. How should the precept imposed by the Council of Trent to priests be understood, namely, to confess as soon as possible? In the Council of Trent, session 43, chapter 7, it is stated: "No one who is conscious of a mortal sin, however contrite he may seem, should approach the Holy Eucharist without a prior sacramental confession." This Holy Synod has decreed that this should be observed by all Christians, even by those priests to whom it is their duty to celebrate, provided that there is a supply of confessors. But if, due to necessity, a priest celebrates without a prior confession, he should confess as soon as possible. However, Alexander VII, in proposition 38, condemned the statement: "The command given to the priest who celebrates Mass out of necessity, to confess as soon as possible, is a counsel, not a precept." Therefore, with this precept of the Council established, how should "as soon as possible" be understood? Alexander VII, in proposition 39, condemned the statement: "That phrase 'as soon as possible' means that the priest will confess at his appointed time." Others, such as Molfes, etc., in...

[*Latin ed. p. 79*]

Diana, p. 9, tr. 3, res. 23. It is said that the obligation to confess arises when the priest first celebrates [Mass], but this opinion is entirely improbable, as Escobedo rightly points out in *De Euch.*, no. 312; Croix, *l. 6*, p. 1, no. 545; and Diana, *l.c.*, because at that time the priest would be bound by the very act of celebration to confess. However, the Council of Trent, with its precise wording, imposes the obligation to confess first. Others, on the contrary, believe that the obligation arises immediately when the necessity [for confession] ceases, and the priest can conveniently access the confessional, even on the same day as the celebration; thus, Wigandt, *tr. 11*, no. 39; Council, p. 348, no. 33; and Sanchius, cited by Diana, *l.c.* This opinion is considered less sound by Cont. Tourn., cap. 6, art. 3, concl. 4, q. 6. However, it is better, as stated by P. Milante with the common opinion of DD., in *dict. prob.* 39; Lugo, *d. 14*, no. 463; Diana, *l.c.*, along with Garcia, Coninch, and Candido, Escobedo, *dict.* no. 312; Zerola, Viva, *in ead. prop.* no. 5; Trull, and Bassæo, and Croix, no. 545, who cites a declaration from the Holy See, that it suffices if the priest confesses within three days. Similarly, in the case of those excommunicated, it is prescribed that those absolved from excommunication reserved at the point of death are to present themselves to their superior as soon as they are able, otherwise

they will incur the same censure; and this, as Lugo, Milante, and Garcia state, does not apply if they present themselves within three days. Thus also, Sanchius, *Dec.*, *l. 2*, c. 40, no. 55, along with Ugolino and Sayro, states that the obligation to deliver the writings of heretics to the inquisitors does not gravely violate the obligation if, for two days, they are in the possession of those writings. The intrinsic reason, it seems to me, is that since this obligation is merely ecclesiastical (as Suarès rightly proves, *d. 66*, s. 6), the Church does not intend to impose it with such rigor; hence, it should be understood primarily in a moral sense, as in other human laws, such as in *l. fin.*, c. *de judic.* and *l. fin.*, c. *de err. advoc.*, where the words "immediately," "as soon as," "continuously," or similar terms, as interpreted by Baldus, Felin, and Mendos, cited by Milante, are extended to a period of three days. However, Lugo, *n.* 162 and 463; Viva, *n.* 6; Milante, and Diana, *ll. cc.*, along with Garcia and Candido, generally state that sometimes, by accident, the priest may be obligated to confess on the same day, and perhaps even at the same hour, for example, if he had access to a confessional at that time, but would not have access for several days afterward, or if the same necessity arose the next day, and he could not confess.

Question: Is a priest who sacrilegiously celebrates Mass obligated to confess immediately, even if he does not have a necessity [for confession], or even if he has a necessity but has access to a confessional? Sylvius and others, cited by Croix, no. 546, affirm this. But, most commonly and truly, Suarès, *d. 66*, sect. 7; Lugo, *d. 14*, no. 150; Diana, p. 9, tr. 2, res. 26; along with Granad., Fill., Magno, etc.; and Vasq., Sayr., March., Dic., Aversa, Gob., Pell., etc., cited by Croix, *l.c.*, and almost universally, as testified by Moya, q. 6, deny this.

[*Latin ed. p. 80*]

§. 4. The reason is that the decree of Trent is intended to instill fear in those who, under the pretext of necessity, delay confession, and not in those who sacrilegiously celebrate the Mass, for whom this decree would be of little benefit; for those who, in contempt of the divine precept, dare to celebrate the Mass knowingly in sin, will more easily disregard ecclesiastical precepts. Lugo rightly teaches in *Responsiones morales*, book 4, chapter 47, number 5, that in positive precepts, the argument from the lesser to the greater is not valid, when the lesser is not contained in the greater, as is the case in our instance, in which the precepts are distinct. However, Lugo rightly points out in chapter 14, number 450, that if such a priest were to celebrate out of necessity, without contrition, he would certainly be obligated to confess as soon as possible, because the decree of Trent makes little distinction between a priest who has contrition and one who does not, but speaks of any priest celebrating out of necessity. However, I believe this should be understood (whatever Croia says in that

connection) only in reference to one who did not have the opportunity of a confessor before the celebration; for if he did have such an opportunity, then the case arises in which he truly celebrated sacrilegiously and without necessity. 267. — Question VI. Is a priest obligated to confess as soon as possible after celebrating Mass, if, in a confession in which he was blamelessly forgetful of a mortal sin, he remembers it? Answer: If he remembers it after the celebration, he is certainly not obligated, as rightly taught by Suar., *dist.* 66, section 7, *v.* 2, and by Marc. Gob. and Dic. apud Croia, number 547. Indeed, Bon. *Avers.* and Leand. also probably admit this, *ibid.*, even if he remembers a mortal sin after Communion during Mass; for truly, as Trent says, he would not have celebrated conscious of sin. But if he remembers it before the celebration, but after confession, then, according to Suar., *l.c.*, and many others, including Lug. *Dic. Pell.*, *etc.*, apud Croia, *l.c.*, he is considered obligated to confess as soon as possible. But Croia rightly considers the opposite opinion to be probable, because here, truly, it cannot be said that he celebrated conscious of sin without prior confession. See, however, what is said in number 257 regarding this. Question VII. Is a priest who, after the consecration, remembers a sin that he had forgotten, without any prior confession, obligated to confess as soon as possible? Suar., *cit.*, section 7, and Bon. *Regin.*, Molf., Megala, *etc.*, apud Diana, as reported by Lugo, chapter 14, number 140, affirm this. The reason is that then truly arises the case in which the decree of Trent applies, because then the priest is already celebrating conscious of sin out of necessity, and without confession. But Vasq., Diana, and Præpos., apud Lug., number 141, and Pell., apud Croia, number 548, deny this, and rightly, Lugo considers it probable, in numbers 144 and 146. Because in the *Rubric*, title 8, number 3, it is said that a priest who remembers a sin before Mass, and celebrates out of necessity, without having the opportunity of a confessor, is obligated to confess afterward as soon as possible, but speaking of one who remembers a sin after the consecration, the *Rubric*, number 4, says: He is obligated with the intention of confessing, without it being added "as soon as possible." 268. — Question VIII. Does the aforementioned decree of Trent, concerning confessing as soon as possible, also obligate deacons?

[*Latin ed. p. 81*]

The first opinion affirms this, and it is held by Navarr. in *Lugo*, d. 14, n. 138, Council, p. 341, n. 13, and *Cont. Tourn. de Euch.*, cap. 6, art. 3, concl. 4, v. Quær. 5, with Azor, Henry, and Sa. They argue that, as they say, the same reason applies to laymen as to priests, for where the same reason prevails, the same disposition of the law applies. The second opinion, which is very common and quite probable, denies this, and it is held by Suar. d. 66, sect. 7, Lugo, n. 139, who asserts the opposite is commonly rejected; Wigandt, tr. 12, n. 32, r. 5; Milante, in prop. 13; Alex. VII, Pal. p. 12, n. 9; Elbel, p. 95, n. 105, who asserts the common opinion; Roncaq. tr. 18, qu. 1, c. 5, r. 2, with

Candido, Aversa, and Diana; Escob. l. 20, num. 92, with Vasq.; and others, such as Laym., Bon., Fill., etc., apud Conc. l. c. The reason is, first, that the aforementioned rule applies in correlatives, equals, or connected things, but not in these cases, and all the more so because we are dealing with things that are odious, as stated in book 1, n. 200, v. Quæritur; and second, that the reason for priests and laymen is different. For in priests, those who (speaking generally) communicate more frequently than laymen, the necessity of communicating without confession is more easily encountered, and therefore, it is easier for priests to celebrate Mass without confession under the pretext of this necessity. This is confirmed by Wigandt with the authority of Saint Thomas, who says that in the case of someone who lacks a sufficient number of confessors, and a common necessity arises, the intention of confessing and making satisfaction is required, adding nothing about the obligation of confessing immediately afterward. From this, Wigandt and Lugo, n. 139, with Suar., etc., rightly infer that if a priest communicates out of necessity without confession, like a layman, he would not be obligated to confess immediately; otherwise (they add), if he were to complete a sacrifice begun by another, or if he were to perform a duty on the Feast of the Preparation, because although he would not properly say Mass at that time, he would nevertheless be said to be celebrating, as the *Rubrics of the Missal* state on that day, 269. Lastly, it should be noted who the effects of the Eucharist are. The primary effect is to confer an increase of grace, as is evident from the Council of Florence and the Council of Trent, session 13, chap. 2. And sometimes, by accident, it can also confer first grace, namely, if someone who is ignorant of being in mortal sin, or who believes he has contrition, approaches Communion with only attrition; then, from attrition, he becomes contrite. Thus, Saint Thomas, p. 3, qu. 72, art. 7, ad 2, and qu. 79, art. 3; Ronc. de Euch., c. 7, quæst. 4; Salm. de Sacram., in gen., c. 5, p. 2, n. 12, with Scotus, Suarez, Tollet, and almost all (contrary to Lugo, Vasq., etc.). This is because it is the general nature of sacraments to confer grace, to dispose the soul with supernatural sorrow, and not to present an obstacle. (See what is said in this book, 6, n. 6.) The second effect of the Eucharist is to remit venial sins, as taught by Saint Thomas, p. 3, qu. 79, art. 4, with the common opinion from the Council of Trent, session 13, chap. 2, where it is said that this sacrament is an antidote by which we are freed from daily sins, and by which we are preserved from mortal sins. And Salm. de Euch., c. 6, says...

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p. 2. n. 23. As St. Thomas states in *Summa Theologica*, part 1, question 113, article 4, and as affirmed by Palearius, Bona, and Cornelius, venial sins are remitted by the power of this sacrament, not only through the act of charity that this sacrament inspires, but also immediately through the operation of the grace infused, which nourishes and restores what is

damaged by venial sins. Salmeron cites *Summa Theologica*, part 3, question 79, article 4, but not accurately, for St. Thomas says there: "The effect of the sacrament is charity, not only in regard to the habit, but also in regard to the act, which is excited in this sacrament, by which venial sins are forgiven." Therefore, Cornelius adds more appropriately in *Controversae Tournenses*, chapter 8, conclusion 3: "This sacrament remits venial sins not immediately, but only mediately through the act of charity." A third effect is to preserve from mortal sins through the help of sacramental grace, by which devotion is aroused, resistance to temptation is strengthened, and demons are driven away, as St. Cyril teaches. Indeed, Salmeron, in *De Eucharistia*, chapter 6, page 2, number 30, with Montesin, affirms that the Eucharist confers even divine external protection, by which God does not permit a man to be in circumstances in which He foresees that he will fall. A fourth effect is to remit the temporal punishment due for sins; this, however, is not done directly, but indirectly through the acts of charity that are excited by the sacrament, as St. Thomas teaches in *Summa Theologica*, part 3, question 79, article 5, with Salmeron, ibid., number 31, and the Council, page 330, number 7. A fifth effect is a special spiritual sweetness, which is an infallible effect, if it is not hindered by the subject; this sweetness consists in a promptness of the will to perform divine things with a cheerful spirit. A sixth effect is a special union with Christ and His members, as in John 6:7: "Abide in me, and I will abide in you." A seventh effect is the attainment of glory: "This is the bread that came down from heaven. Not as your fathers did eat manna and are dead. He that eateth this bread shall live for ever," as in John 6:59. This sacrament also has effects on the body, as Lugo, Palearius, and Suarrez state, with Salmeron, ibid., number 36, namely, to diminish the fuel of concupiscence, to excite good thoughts, to sanctify the body itself, to grant the body resurrection and glory. It is very probable that the consecrated species, as long as they are in the stomach, cause greater graces, with a greater disposition, as Croice notes, number 524, with Cornelius, Suarrez, Cajetan, and Lugo. See the statements in numbers 227 and 270.

Question I: Is it a new venial sin to approach the Eucharist with a habitual venial sin? Laym, in *Tractatus*, part 4, chapter 6, number 3, and the Council and the Dicastery, as cited by Salmeron, in *Tractatus*, cited, chapter 7, page 2, number 20, affirm this. However, it is probable that Sotus, Sa, Vasquez, and others, with the same Salmeron, ibid., number 21, deny this. The reason is that this would rather be a deficiency of perfect reverence than a positive irreverence; and also, the very will to receive the Eucharist and to receive its effects is a certain virtual detestation of venial sins, by which the sins are renewed, so that they impede the fruit of the sacrament very little.

Question II: Does one sin who communicates with an actual venial sin?

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Venially, and lose the fruit of the sacrament? When guilt affects the very act of Communion, for example, when someone receives Communion for the sake of empty glory or another venial motive, no one doubts that they also sin venially, as stated by certain authors in Salm. de Euch. c. 7, p. 2, n. 22, and Tamb. Meth. Com. c. 4, §. 4, n. 9. It is doubtful whether someone sins venially who receives Communion with an actual or virtual inclination to sin venially, or with a venial fault accompanying it, for example, with voluntary distraction, or by preferring idle words, and the like? Vasquez, Sahagún, Leander, and others, as cited in Croice, l. 6, p. 1, n. 522, deny this, while Tamburello considers it probable in the aforementioned place. However, it is more commonly affirmed, as stated in Suar. d. 66, s. 1, v.; Lugo, d. 14, n. 31; Salm., ibid., n. 23, with Fillon, Reginaldo, and Croice, l. c., with Layman, Tannery, Rodriguez, and others, citing St. Augustine in his work "Quotidie de consecr.," dist. 2, who says: "For he who still has the will to sin is more burdened by the reception of the Eucharist than purified by it." The reason is that such a person inflicts a positive injury upon the sacrament. This concerns guilt; as for the fruit or effect of the sacrament, some say that someone who receives it without an actual disposition (which consists in the exclusion of venial guilt in the act of Communion, and in some pious movement of the heart) does not receive any fruit of the sacrament; and thus, St. Thomas, Cajetan, Petrocor, and others, as cited in Cont. Tourn., cap. 8, concl. 3, affirm this. They prove this, first, from St. Augustine, Serm. 15, de verb. apost., where he says: "God does not justify those who are asleep, those who are not striving, those who are not willing." He who made you without you, will not justify you without you. Secondly, from experience, as many priests are observed daily to celebrate the Mass while in the state of grace, and yet derive no benefit. But others more commonly say that such a person is not deprived of all fruit, as stated in Suar. d. 63, sect. 3; Gonet, disp. 8, art. 3; Tourn., Præl. theol. de Euch., qu. 7, concl. 3, v.; Quær. 4, r. 3; Lugo, d. 14, n. 36, with Sylvius, Soto, Vasquez, Ledo, and others, as commonly asserted. It is certain that St. Thomas changed his opinion in 3. p., qu. 79, a. 8, where he expressly teaches that, although someone who receives Communion with a venial fault accompanying it, e.g., with voluntary distraction, does not receive the actual refreshment of spiritual sweetness, nevertheless, he does receive an increase in habitual grace, or charity. This opinion is indeed more common, but the first one does not seem improbable.

ARTICLE II. What disposition of the body is required?

31. Does pollution, and the marital act impede Communion?

32. Q. I. What if the pollution is voluntary? And what if it is involuntary?

33. Q. II. Is it always venial to approach the Eucharist after marital inter-

course?

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374. Q. III. Is a spouse who has fulfilled their marital duty obligated to abstain from Communion on that day?

375. Does an external blemish, such as leprosy, etc., prevent one from receiving Communion, and from assisting at the celebration of the Mass? What about menstruation? What about carrying arms?

376. Must a priest who is receiving Communion outside of Mass wear a stole?

377. Concerning the natural fast required for Communion.

378. Premise 1: This is not a matter of divine law.

379. Premise 2: The matter is not trivial.

380. Premise 3: Three things are required to fulfill this fast, according to three rules:

381. Rule I: The substance must be taken from outside.

Doubt 1: Does voluntarily swallowing the remaining food break the fast?

Doubt 2: Does swallowing small amounts of water mixed with saliva, or tasting a morsel? Does putting sugar in the mouth before midnight? Does drinking water from a stream? Does drinking blood from a finger? What if it flows from the head?

382. Rule II: The substance must be taken in the manner of eating or drinking.

Doubt 1: Does swallowing tobacco dust through the nose break the fast?

Doubt 2: Does inhaling tobacco smoke?

Doubt 3: Does chewing tobacco leaves or aromatic substances?

383. Rule III: The substance must have the nature of food or drink.

Therefore, the question arises: Does eating hair, wool, wood, paper, pebbles, clay, and similar things break the fast?

384. Is it permissible to follow any particular time interval between Communions? And what if someone swallows food after the first bite? Is it permissible to receive Communion if there is doubt about whether the fast has been broken?

385. Is it a sin to eat food or to spit it out immediately after Communion?

386. In what cases may someone receive Communion without having fasted?

387. Is it permissible to administer Viaticum to a sick person who has not fasted?

Doubt 1: What is the appropriate interval between one Communion and the next?

Doubt 2: Is someone who received Communion a few days prior, out of

devotion, obligated to receive Viaticum if death is imminent?

Doubt 3: What if someone received Communion in the morning?

Doubt 4: Can a priest ever omit the words: "Receive Viaticum," etc.?

388. Can a priest celebrate Mass without having fasted in order to administer Viaticum to another? Or to himself?

389. Is it permissible to receive Communion after eating, lest the Eucharist be wasted or treated improperly? Or to avoid scandal? Or to perfect the sacrifice or Communion? Or to avoid death? Is it permissible to receive Communion before sleep or digestion?

400. Response: No bodily blemish prevents the reception of the Eucharist in itself, since it contributes little to moral good or evil; however, it may sometimes, by accident, prevent it, due to the consequences that follow. Therefore, resolve as follows:

401. An involuntary impurity does not prevent Communion, nor does a voluntary one that has been expiated through penance, unless it leaves behind a harmful effect, such as a shameful memory, or delight, or distraction, and disturbance of the mind; in such a case, as in all cases after a culpable act, it is better, and according to common opinion, to postpone Communion, unless some just reason suggests otherwise, such as a great benefit from the celebration, or a rule of the order; or if it is thought to be caused by a demon, in order to prevent frequent Communion. See Sanchez, book 9, chapter 43; Bonaventure, book 4, question 6, paragraph 2; Cardinal de Lugo, book 45, section 4.

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2. Neither does the conjugal act, even if it be fitting and done with good intention, prevent one from abstaining, at least on the night immediately preceding, if he communicates rarely. Thus, Philip and Sanchez, *loc. cit.*; Escobar, book 7, chapter 6, paragraph 83. Understand that, if he has fulfilled a duty requested out of necessity, he should not experience any disturbance of mind or inclination towards venereal matters; but if he has done so for the sake of pleasure, he should abstain on that day (a precept, if a harmful consequence should follow), as taught by Regius, book 29, part 117; Layman, book 5, part 4, chapter 6, paragraphs 10 and 16; Martinius, Perez, book 49, section 3, paragraph 8, adding that it is only venially sinful; indeed, the indecency can be remedied by a just cause. (See the statements here in paragraph 273, and regarding marriage in paragraph 930.)

3. Similarly, even if the conjugal act is fitting and done with good intention, it is licit to abstain on that day after receiving Communion, provided the intention is good; for example, out of love for the children, to avoid the danger of incontinence, or to fulfill a duty. Tamborini, chapter 3, paragraph 6, from Sanchez, book 9, chapter 43, and Marchilius, 272.

— Question I: Does pollution always prevent one from receiving Com-

munion? It is necessary to distinguish between voluntary and involuntary pollution. If it is voluntary, Navarrius and others, according to Leander, say that it is a mortal sin to approach the Eucharist immediately after, even if contrition and confession have preceded. But this is denied by the common opinion, with Lugo, book 45, paragraph 4 (where Navarrius is said to have changed his opinion in a later edition), as found in Habert, 4, 5, page 571; also, Natalius Aleæ, part 2, paragraph 2, paragraph 44; Council of Trent, book 8, page 367, paragraph 48, and others, generally. However, (whatever Azor, Conciliarius, and Trullius may say, according to Dionysius, page 3, treatise 4, response 30), the Doctors generally teach that such a penitent should, at least venially, abstain from Communion on that day out of reverence due to so sacred a Sacrament. Thus, Lugo, *loc. cit.*, paragraph 4 (who calls the opposite opinion false); Council of Trent, *loc. cit.*; Salmeron, *de Euch.*, chapter 7, page 4, paragraph 59; Bonaventure, page 2, paragraph 4; Viva, question 4, response 8, paragraph 3, from St. Thomas in the *Summa Theologica*, 4th part, question 7, article 1, response 4, and question 2, response 2, who taught: "It is not advisable to encourage someone to approach the Eucharist immediately after a mortal sin, even if he has made contrition and confession, but he should, unless a great necessity compels him, abstain for some time out of reverence." And also, from canon 4, in the *Decretum Gratiani*, where St. Gregory writes to St. Augustine of England, and speaking of such a penitent, says that he ought to abstain from the sacred mystery on that day. However, it must be understood, as Salmeron, *cit.*, paragraph 59, near the end, and Viva, paragraph 3, and Bonaventure, book 4, question 6, with Henry of Granada, Leander, Nugno, and others, generally, say, unless scandal or another just cause requires Communion, as it seems prudent to the confessor, as is said in the Rubrics of the Missal, regarding defects, paragraph 9. Here, however, the following proposition, condemned by Aleæ VIII, should be noted: "Those are to be judged sacrilegious who claim the right to Communion before they have made a fitting penance for their sins." Nevertheless, a confessor can, if he judges it expedient, sometimes postpone the reception of the Eucharist for a great sinner, as he can also sometimes grant it, if he so decides.

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To defer absolution, in order to test his constancy, or to inspire horror against some enormous sin, as rightly say Viva in d. prop. Ronc. de Euch. c. 5. Reg. in prax. 2. and Holzm. t. 1. p. 353. n. 81. with Michael, and others. Indeed, Roncaglia adds in the same place that it is good to advise such a sinner, that before approaching Communion, he should take care to expiate the guilt of the penalty by works; but this is only a matter of counsel, according to what is said about Penance, n. 599. If, however, the pollution is involuntary, D. Thomas says in 4. loc. cit. that if it frequently occurs through the operation of demons, it does not prevent him from receiving

Communion; otherwise, if it arises from another cause, and without any fault, then he says that a man ought to abstain from Communion for a time, first, because of the decency involved; secondly, because of the corruption contracted by the body; thirdly, because of the disturbance that follows the pollution. Others, however, commonly and more correctly say that if the pollution leaves no disturbance behind, it is least of all an impediment to Communion; for the corporal stain alone does not obligate one to abstain from the Eucharist; thus Laym. lib. 5. tr. 7. c. 6. n. 14. with S. Bonav. Gerson, Gabr. Vict. Nav. and Vasq. and Suar. 3. part. disp. 68. sect. 2. v. Dico 1. with Soto, Ales. Palud. Adrian. Major, etc. and Salm. de Euch. c. 7. p. 4. n. 62. The reason is that an external stain, once it has passed, does not pertain to moral honesty. And this is so even if the pollution arises from a cause that is venially culpable; in such a case, they urge that one should abstain only as a matter of counsel, Sanch. de matr. l. 9. disp. 13. with Covar. etc. Pal. p. 13. n. 2. with Vasq. and Salm. ibid. n. 60. with Suar. Con. Henr. and Fill. And this is also shown in 4. from D. Gregory in the cited chapter, Testamentum, where the Pope says that if the pollution arises from an excess of food or drink, it should not prevent one from receiving the sacred mysteries, but (the person) ought humbly to abstain from the immolation of the sacred mysteries, as I think. Where the Glossa says: "Humbly," meaning: "Therefore, it is a matter of counsel, for he can well celebrate if he wishes." This is also shown in 2. from the Rubrica of the Missal, de defect. n. 9, where it is written thus: "If there is doubt whether in the preceding thought there was a mortal sin, one should abstain, except in a case of necessity; but if it is certain that there was no mortal sin in that thought, or that there was no thought at all, but it happened naturally, or through diabolical illusion, one may receive Communion and celebrate, unless such a disturbance of the mind has occurred from that bodily movement that it seems necessary to abstain." All the Doctors agree that it is venial to approach the Eucharist with the aforementioned disturbance, arising from the pleasure experienced, or from a shameful imagination accompanying the pollution; at least as long as the distraction of the mind persists. Unless the person tries to repel it, doing all that is in his power to approach devoutly, as say Salm. de Euch. c. 7. p. 4. n. 60. Pal. p. 13. n. 2. Holzm. t. 1. p. 353. n. 81. Laym. d. c. 6. n. 45. Suar. d. 68. s. 2. v. From this, where he quotes S. Justin as saying:

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It is not fitting, because of this involuntary passion, to abstain from the sacraments; and Sanch. de matr. lib. 9. d. 13. n. 45, with Gerson, Gabr., and Major. Unless some just cause of necessity or devotion demands otherwise, as the aforementioned Doctors say, and as the same D. Th. teaches in the cited passage, saying: "If necessity arises, or devotion demands it, such a person is not prohibited." 273. — Question II. Does the conjugal union

impede reception of the Eucharist? Some absolutely believe that the spouse who has marital relations on the day of Communion is not excused from venial sin, as Alen, Sotus, Sa, etc., say in Sanch. de matr. l. 9. d. 13. n. 2. They infer this from c. Sciatis, caus. 33. q. 4, where St. Hieron wrote: "Whoever renders due to his wife..., nor ought he to partake of the flesh of the Lamb." Conversely, others acknowledge no sin in this matter, as Nav. Philiar. says in Sanch. n. 3, stating that it is only a matter of decency to abstain from Communion. But it must be said, with the common Doctors, that it is venial to approach Communion on the same day in which marital relations were had for the sake of pleasure, because this cannot be excused by any indecency; thus, St. Th. 3. p. qu. 80. a. 7. ad 2. Cont. Tourn. de Euch. ap. 6. art. 2. sect. 2. concl. 3. v. Prob. 3. Salm. de matr. c. 15. p. 5. n. 59, and Sanch. ibid. tit. l. 9. d. 13. n. 8, with St. Bonav., St. Anton., Suar., Sylvest., Led., Lop., and many others; and this is proven from can. Vir cum propria 7. caus. 33. q. 4, where D. Gregorius says: "But if love for procreation does not govern the act, but rather pleasure, then he ought to be prohibited from approaching this sacrament." It is rightly said by Sanch. n. 8, Antoine p. 486. v., and Salm. de Euch. c. 7. p. 4. n. 63, with others, that any honest cause can excuse from this indecency: for example, an impending solemnity, avoiding scandal, avoiding danger, a jubilee or indulgence to be gained, special devotion, etc. If, however, the union is made without sin, for example, for the first time, for the sake of procreation, then it is certain among all that, although it is fitting to abstain from Communion on that day, as St. Th. teaches in d. art. 7. ad 2., this is nevertheless only a matter of counsel, without obligation; thus, Lugo d. 15. n. 14, Sanch. l. c. n. 4 and 5, Salm. de Euch. c. 7. p. 4. n. 63, near the end, Con. p. 368, in fine, Petr. t. 3. p. 432, in fine, with the Glossa in dict. cap. Sciatis, and the Glossa cap. Omnis de Consecr. dist. 2, and others commonly, from D. Gregorius, who in the cited chapter, Vir cum propria, wrote to Augustine: "If anyone goes to his wife not captured by the desire of pleasure, but only for the sake of begetting children, then indeed he is to be judged as being excused from receiving the mystery of the Lord's body; for we ought not to prohibit him from receiving." Where the Glossa explains that "to prohibit" means "to dissuade." The reason for this common opinion is that the end of procreation, since it is entirely honest and willed by God, sufficiently compensates for that certain indecency that is present in receiving Communion after marital relations.

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Moreover, the text cited in chapter *Sciatis* does not present an obstacle; for St. Thomas responds in the 4th *distinction*, 32nd *question*, 1st *article*, following the master's teaching, that the discourse there concerns only those ministers of the Church who are married, such as the Greeks, to whom it is forbidden to celebrate the marriage on the day they approach their wives.

Question III: Is the spouse who is fulfilling their marital duty obligated to abstain from Holy Communion on that day? Cajetan, Ledo, and the *Manuel* state this, among others, as cited by Sanchez, number 11, because, as they say, the act of fulfilling the marital duty still leaves the mind weakened. However, St. Antoninus, page 3, title 1, chapter 20, section 7, and Sanchez, number 12, along with St. Thomas, St. Bonaventure, St. Antoninus, Albinius, Magnus, Carthusian, Suarez, Paludanus, Sylvester, and others, teach that abstinence is then a matter of *meritorious counsel*, and not of obligation, because the good of fulfilling the debt adequately compensates for and rectifies that act.

Speaking on this point, St. Francis de Sales (in *Introductio ad vitam devotam*, part 2, chapter 20) says that the spouse who demands the marital act is acting improperly in approaching Holy Communion, but the one who fulfills the duty is not to be prevented from doing so, stating that in the Old Law, it was forbidden to demand debts on holy days, not to pay them. This is consistent with what St. Augustine wrote on Psalm 149: "If you do not demand, give: for the sake of perfect sanctification, God will credit to you, not what is due to you, but what you give to your spouse." The reason is that, since the fulfillment of the marital duty is an act of virtue, it should not prevent a person from receiving Holy Communion.

Sanchez, number 6, along with Gerson and Maior, also believe this, if the marital act is to avoid incontinence, because the love of continence, and not of pleasure, provides sufficient justification. Furthermore, Salmeron, in *De Matrimonio*, chapter 15, page 5, number 58, and Sanchez, number 9, along with Cajetan, Suarez, Alen, Paludanus, and others, point out that the spouse is in no way excused from the obligation to fulfill their marital duty by reason of receiving the Eucharist; they can only resist, as Sanchez says with Suarez, impudent demands, but not those made with honest intentions.

What, then, should a confessor answer if asked by a spouse whether they are obligated to fulfill their marital duty on the day of Communion? Layman, in *De Eucharistia*, chapter 6, number 16, Sanchez, in *De Matrimonio*, book 9, chapter 2, number 16, and Suarez, book 68, section 2, at the end, teach that the answer should be: if the spouse frequently receives Communion, for example, on all feast days, they are obligated to fulfill their duty, lest they expose themselves to the danger of sinning against justice or charity; but if they do not frequently receive Communion, but only on major feast days, then they should advise the other spouse to abstain, in honor of the Communion, provided they do not incur the other's displeasure; then, if the request is not successful, they can receive Communion, unless the act of fulfilling the marital duty causes an unusual distraction, nor should they, as we said, try to prevent it.

On the day when the spouse has already received Communion, Alexius

de Nevo and St. Antoninus, as cited by Sanchez, number 16, say that it is not wrong to fulfill the marital duty. However, St. Antoninus, Sylvester, Paludanus, Turrecrema, and Anglerius believe that it is venial sin to request it. But Navar, chapter 21, number 51, and Sanchez, with Victor,

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Furthermore, some say that abstaining from approaching the Sacrament is merely a matter of counsel, not an obligation (1).

It also pertains in some way to the disposition of the body to approach the Eucharist with a clean body, without any noticeable external stain; for if it were hidden, it is not an impediment, nor if it were permanent, such as leprosy, a fistula, and the like, as commonly stated by Suarez, d. 68, sect. 2. I say, therefore, as Paladus states, p. 43, n. 4, and Layman, lib. 5, tr. 6, c. 6, n. 24. A priest infected with leprosy, or with another disease that causes horror, is forbidden to celebrate publicly, according to chapter *Tua nos*, concerning the sick cleric, where it is said, for the sake of scandal, and abomination to the people; therefore, he may celebrate in secret. Paladus, l.c., Salmeron, de Euch., c. 7, p. k, n. 56, concludes.

But can women during their menstrual period receive Communion? Suarez, l.c., holds that if they can conveniently postpone Communion, they are obliged to do so under venial sin, according to St. Dionysius of Alexandria, who says that such women should not approach the Body and Blood of the Lord. However, it is more commonly and probably held by Paladus, l.c., Salmeron, ibid., n. 57, and Layman, l.c., with Alen and Paludanus, that this is merely a matter of counsel, according to St. Gregory (cited by Layman, lib. 4, tr. 4, cap. ult., n. 2, see). In a letter to Augustine, he wrote: "If she does not presume to receive out of great reverence, she is to be commended; but if she does receive, she is not to be judged; for it is the habit of good minds to acknowledge faults even where there is no fault."

Women should approach Communion modestly, with their head covered, and without vain adornment; therefore, if any woman approaches too immodestly, Communion should be denied to her. See Concina, t. 8, p. 370, n. 24.

It is also fitting to approach the Eucharist with one's arms laid down. Furthermore, it should be noted that there is no law that forbids receiving Communion while wearing a sword; for it can be venial by accident, due to scandal, as stated by Wigand, tr. 12, n. 45, and Holzmüller, t. 4, p. 352, n. 74, with Gobius, Tamborlino, and others. However, it is entirely fitting for the Knights of St. John of Jerusalem to approach with a sword, because with this sign they profess their zeal for defending the faith. See Holzmüller, loc. cit.

Furthermore, it should be noted that a priest, when he receives the Eu-

charist like a layman, as Croix states, l. 6, p. 4, n. 556, must be wearing a stole, under pain of excommunication, according to the Third Council of Braga, cited in canon 9, dist. 23, Ecclesiastical Canons, where it is said: "In all respects, it is fitting that whatever one receives at the consecration, he should retain in the offering, or in the reception of salvation, that is, when a priest approaches the solemnities of Mass, or offers the sacrifice (1)."

(1) "To pray (for a grace) after Communion, some say is venial, and indeed probably, if there is a just reason, but the common opinion is that it is merely a matter of counsel." Hom. Ap. tr. 18, n. 57.

[*Latin ed. p. 90*]

He who is about to receive the Sacrament of the Body and Blood of our Lord Jesus Christ must not approach otherwise than with both arms crossed upon his breast. If anyone acts otherwise, he shall incur the due excommunication. It is said, however, by Azor, book 4, chapter 40, section 28, question 42, as well as by Turrecrem and Tambini, book 2, chapter 2, paragraph 40, that the aforementioned decree of the Council of Braga appears to be abrogated today by custom; hence, they excuse the priest who communicates without a stole outside of Mass. However, it is more correct and commonly held by Suarez, book 68, section 4; Gavant, book 4, page 4, title 8, paragraph 7; and Bonaventure, book 4, question 6, page 2, paragraph 2, along with Regius and Graff, as well as Barbosa, Henry, and Gobius, cited by Crocius, that, although they excuse from mortal sin, because the matter is not very grave, or because it does not appear to be received with grave intention, they do not excuse from venial sin; all the more so, because this is prescribed by the Roman Ritual, which states: "Priests, however, should communicate wearing a stole"; and the Glossary on the aforementioned words states: "The same must be observed if the priest is to communicate while suffering from illness."

2. In reply: By the precept of the Church, one who is about to receive Communion must be regularly fasting with a natural fast; that is, he must have taken nothing whatsoever from midnight onward, either as food, drink, or medicine. Thus, Communion is to be received. It is certain from the councils, which are cited by Fillius, Layman, Cardinal of Lug, in the aforementioned place. Therefore, we resolve:

3. Even though the smallness of the matter does not excuse in this case, it does not prevent the reception of Communion if, by chance, a small piece of the consecrated Hosts remains between the teeth (for some, such as Praepositus, Vasquez, and others, deny that this is the case if it is done intentionally, contrary to Tannini, *Conin*, question 80, article 8, paragraph 47, and Dionysius, who affirms the contrary as probable), it is permissible, although it is entirely proper to spit it out, as Dionysius states, book 4, on sacred matters, section 37, and page 4, section 104; see also Escobar, book 7, section 6, and Cardinal of Lugo, paragraph 63, where he notes the opinion

of Tannini and Dionysius, which serves to encourage diligent cleaning of the teeth beforehand, so that nothing might fall out by chance; one is not obligated to do so.

4. Blood, or any other liquid flowing from the head, and a drop of water, or wine, accidentally swallowed during the ablution of the mouth, or a drop of juice tasted in the mouth, mixed with saliva, or a gnat swallowed while breathing. The reason is that these things are either not taken, that is, from the outside, or they are not taken as food or drink. See Fagundes, preface 3, chapter 5; Cardinal of Lugo, in the aforementioned place, paragraph 23.

5. If one places aromatic substances, or a leaf of tobacco in the mouth, or tastes mastic, or anything else of that kind, provided that nothing is transmitted. Praepositus, in the third part, question 9, article 80, distinction 4, number 39; Cardinal of Lugo, moral book, book 4, book 9. The same is taught by Grancisco, in the third part, chapter 6, book 40, book 9, paragraph 4 (although it seems very indecent, unless it is done for a just reason), and Escobar, book 7, section 6, where he gathers the same from Suarez regarding the same powder drawn into the nostrils.

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It is held by others, as seen in Dian, p. 8, tr. 7, r. 3, and by Cardinal de Lugo in *Responsiones Morales*, vol. 1, d. 9, 2. It is probable that Communion is not impeded if one swallows a small piece of wood, paper, a fingernail, or a small stone, because these do not have the nature of food or drink. See Dian, loc. cit., r. 38, and tr. de celeb., r. 52, as well as Ledesma and Sanchez against Henry, King, and others, whose opinion is the safer one. See Cardinal de Lugo and Escobedo, 3. It is not permissible to receive Communion in the following cases: 1. If one expels sugar, a liquid substance, or licorice dissolved in saliva from the mouth. However, if there is doubt as to whether anything was swallowed, Laym, *lib. 1*, t. 1, c. 1, probably teaches that it is permissible. Fagundes does not impede Communion or the Sacrifice; see Dian, loc. cit., r. 29. 2. If, lying in bed in the evening, one places something in the mouth to relieve a sore throat, unless one is certain that nothing was swallowed after midnight. So Suarez, Fillon, Cardinal de Lugo, loc. cit., n. 37, and others. It is permissible to follow any of the hours of dissonance, even the last one, provided that one is not certain of being mistaken, because one acts as a good author, forming a probable opinion, as Sanchez, *lib. 2*, d. 1, de matr., states. Fagundes, John Sanchez, Cardinal de Lugo, n. 45, and Dian, loc. cit., r. 36, agree. (See below, n. 232.) 3. If one takes something that is permissible and then rejects it. 4. If one draws tobacco smoke into the stomach, as Præpositus teaches, although others rightly doubt this. Tannery, *t. 4*, d. 5, Gran, however, in *3. p. c. 6*, *t. 40*, d. 8, denies this. 5. If a priest, on the night of Christmas, in the first Mass, takes a small amount of water, or wine, by licking his fingers during the

ablutions. See Bonaventure, *d. 4*, q. 6, p. 2, 278. To carefully discuss these matters, it should be noted that: 1. Natural fasting is not strictly required for Communion by divine law, but only by ecclesiastical law, as seen in *cap. Ex parte de celeb. miss.* and in various councils, especially the Council of Constance, as mentioned in l. 1, n. 38. 2. In the case of breaking this fast, although this precept is of ecclesiastical law, there is no small amount of matter involved: because the precept is not to approach the Eucharist while fasting, but not to approach after food or drink; but he who communicates after even the smallest amount, has already communicated after food or drink. Thus, all Doctors agree, except for Gibert and Pasqual, who are not to be listened to. 3. According to the common opinion, three things are required to break this fast: 1. That what is taken is taken from an external source. 2. That it is taken in the manner of eating or drinking. 3. That the thing taken has the nature of food or drink. Suarez, *3. part*, d. 68, sect. 4, Laym, *l. 5*, (r. 6, c. 6, *Cont. Tourn.*, this chapter, 6, art. 2, sect. 1, concl. 2, v. Quær. 1), Palaus de Euch., p. 13, Bonaventure, *eod. tit*, d. 4, q. 6, p. 2, Lugo, d. 15, Concina, *t. 8*, p. 139, and Escobedo, de Euchar., *l. 20*, Holzm, *t. 1*, de jejun., p. [illegible] all treat of this matter.

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353. Renzi, in the same work, title 2, chapter 4; Salm, *De Euch.*, chapter 7, page 4, from number 65 to number 82; Wigandt, *Tractatus*, 12, exception 4; Antoninus, page 486; Roncaglia, *De Euch.*, chapter 5; Viva, in the same work, title, question 4, article 8; Tamborini, *Methodus Communicationis*, chapter 2, paragraph 6; Croix, *Locus*, 6, page 1, number 460; Sporer, volume 3, page 458; Elbel, volume 3, page 90. You will find these authors cited in the places mentioned above, as you will also find them cited below. 279. According to the rule, to break a fast, something must be taken from outside the body; this is stated by Croix, number 560; Elbel, number 94; Viva, number 4; Sporer, page 466; and by Father Suarez, in the fourth division, section 4, from the *Disputations* on Theology, where he states that everything that comes from within, and that is not taken into the mouth from outside, is not eaten, and therefore does not break a natural fast. However, it is debated: Does the voluntary swallowing of remaining food break the fast? The first opinion denies this, and this is held by Suarez, section 4, line 3; Elbel, number 99; Quarti, page 3, title 9, section 1, difference 4; Paleari, number 8, with Consentius and Henricus Dianus, page 3, translation 4, response 37, with Tabienus; and Tamborini considers it probable, number 25; Escobar, number 341, with Molfes and Ochagavia; Petitus, and others, including Tanner, Leander, and Gobinus, apud Croix, number 557. The reason is that the remaining food consumed the day before, if not taken from outside on the day of Communion, is morally considered as part of the meal of the previous day; therefore, although it may be swallowed, it is morally not a new meal, but rather completes the

previous one. Suarez adds another reason, that such remains are not taken in the manner of food, but in the manner of saliva. Nor does this opinion seem to contradict the rubric of the Missal, concerning defects, number 3, which states: "If the remaining food in the mouth is swallowed, it does not prevent Communion, because it is not swallowed in the manner of food, but in the manner of saliva." The second, more common, opinion affirms this, and it is held by St. Thomas, part 3, question 80, article 8, ad 4, where he states: "The remaining food in the mouth, if accidentally swallowed, does not prevent Communion. Therefore, if it is swallowed intentionally, it does prevent it; and so also think Cabas, volume 4, chapter 5, number 7; Fillius, *De Euch.*, number 336; Roncaglia, question 6, response 2; Layman, number 48; Tamborini, number 25; Bonaventure, page 2, number 5; Viva, question 4, article 8, number 4; Antoninus, page 487; Contenson, in the cited place, with Vasquez and Sylvaticus. The reason is that the intentional swallowing of such food seems to be a new meal. The first opinion does not seem improbable, but the second is more probable, and should certainly be followed; as rightly stated by Suarez, Salm, and Gavotti, in the cited rubric; although, as Father Suarez wisely points out, one should not be scrupulous in this matter. Therefore, I readily follow the opinion of Lugonio, division 45, number 36, which is also embraced by the Most Reverend Benedict, in *De Sacra Missa*, volume 9, book 3, chapter 47, namely, that the remains torn from the teeth, which are sensibly perceived on the tongue, should indeed be spat out; but there is no obligation to use diligence to remove such remains from the teeth.

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Even if they are intended to be swallowed, if they are not extracted, and are swallowed with saliva, otherwise this obligation would be subject to countless scruples and perplexities, to which the Church certainly does not intend to obligate.

It is doubtful whether drops of water mixed with saliva, or small sips tasted, if swallowed deliberately, break the fast? If the aforementioned drops are accidentally swallowed, it is certain that they do not break the fast, provided they are not in a large quantity, as all agree with D. Thomas, question 80, article 8, ad 4, where he says: "And the same reason applies to the remnants of water or wine with which the mouth is rinsed, provided they are not swallowed in large quantities, but are mixed with saliva, which cannot be avoided." Therefore, it is doubtful if they break the fast when swallowed deliberately?

Conin and Henry, apud Croiæ, number 566, hold that they do not break the fast, provided they are mixed with saliva; and Lugo, number 33, and Tamb., number 23, seem to hold the same opinion, stating that since it is not drinking to swallow saliva, therefore these drops, swallowed in the manner of saliva, do not violate the fast; but it must certainly be affirmed

with the common opinion, which is followed by Suar., section 4, v. Tertio; Holzm., number 73; Cont. Tourn., chapter 6, article 2, section 4, conclusion 2, v. Quær. 4, with Sylv. and Salm. de Euch., chapter 7, page 4, number 67, with Pal., etc., commonly. And this is taught by the same D. Thomas, in the aforementioned place, where, after saying that the remnants of food do not break the fast if they are accidentally swallowed, he says that the same reason applies to the remnants of water with which the mouth is rinsed, as mentioned above.

This is confirmed by the rubric in the aforementioned book, where it is stated: "The same should be said (namely, that the fast is not broken), if a drop of water is swallowed while rinsing the mouth, unintentionally. Therefore, if it is intentionally, it breaks the fast." The same should be said, if someone puts sugar in their mouth at night, and after midnight, something is expelled, as taught by Lug., number 37; Pal., number 8; Fill., number 436; Salm. de Euch., chapter 7, page 4, number 68; and Renzi, volume 4, book 3, treatise 4, chapter 4, question 7, with Coninch., Vasq., Bon., Reg., etc., commonly, whatever some may say, apud Dian., page 2, treatise 14, reply 54. The reason is that it is not a remnant of the previous day's food, but is a continuous eating.

Thus, also, he who takes water, even involuntarily, breaks the fast, whether because it spills into a river, or because another forcibly pours it into his mouth, as say Conc., page 162, and Croiæ, number 568, with Lugo, Tamb., and others, against Bosco. Thus also, if someone were to draw blood from a finger, or tears flowing from the eyes, as say commonly Viva, Mazzotta, and Croiæ, with Lugo and Tamb.

Conversely, it should be said that if someone swallows blood flowing from the gums or teeth, or pus emanating from a sore in the mouth, even intentionally, as commonly taught by Suarez, section 4, v. Quæres; Cabass., chapter 5, number 7; Habert, volume 5, page 487; Elb., number 99; Antoine, page 485; Concina, number 6; Ronag., question 6, reply 2; Laym., number 48; Bon., number 6; and Salmant., with com-

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(contrary to Cont. Tourn. loc. cit. v. Verùm). The reason is that, as stated above by D. Thomas, whatever originates from within does not constitute a meal, nor does it break the fast.

280. — The second rule is that, in order to break the fast, something must be taken either in the manner of eating or drinking; this rule is commonly taught by Suar. sect. 4, Laym. n. 48, Lugo d. 45. n. 28, Bon. n. 6, Sylv. 3. p. q. 80, and others throughout. However, it is doubted whether the consumption of tobacco powder through the nose breaks the fast. Antoine, de Leone, and Lez. affirm this, as cited by Lugo Resp. Mor. l. 1. dub. 9. n. 1, and it is strongly doubted by Cont. Tourn. ibid. 3. v. Quoad Tabac. However, others commonly deny this, even if something is transmitted to the stomach;

because although such material may be nutritious, it is not taken in the manner of eating, but by suction. Thus, Suar. s. 4, Holzm. n. 81, Roncagl. q. 7, Lugo l. c. Conc. p. 362, Elbel n. 92, Crox n. 570, with Aversa, Renzi q. 7, Escob. n. 62, and Diana p. 8. tr. 7. r. 3, with Marchant, Machad, Pasqual, and Leand. This opinion is indeed the most probable, both because of the rule mentioned above, and because of the universal custom by which the use of tobacco is permitted before Mass, as taught by Pope Benedict XIV. de Synodo l. 7. c. 63, where he also mentions that formerly, Innocent X and XII issued excommunications against those who used tobacco through the nose in the Vatican, and that Urban VIII prescribed the same in the churches of the diocese of Hispalensis; but that this prohibition was later removed by Benedict XIII. Therefore, he concludes: However, today, due to common custom, the use of tobacco is so well-established that it does not cause scandal to anyone. The same, he says, applies to water that accidentally passes through the nose, as stated by Suar. and Fagund. apud Viva, Tamb. n. 23, and Barth. à S. Fausto apud Dian. However, I would not allow this if someone intentionally forced tobacco or water through the nose into the stomach, because in that case, it would not be taken by simple suction, but by a direct intention to force it in, which in no way seems to be permitted by the Church. But you might say: The act of suction is not drinking, nor eating. The answer is that, although this action is not naturally ordered to force drink or food into the stomach, it is ordered to that end by the one who is performing the suction; and therefore, with the proper material and action involved, it takes on the moral character of drinking or eating, when the intention is to force it into the stomach. The same can be said of one who swallowed dust, or rain, a flake of snow, a mosquito, or a fly; for if this happened accidentally through breathing, it would certainly not break the fast, as commonly taught by Suar. v. Quæres, Lugo n. 34, Habert p. 476, Cont. Tourn. loc. cit. r. 2, Conc. n. 6, Salm. de Euch. c. 7. p. 4. n. 68, in fin., Ronc. q. 6, Renzi q. 5, with Nav. Bonac. and others throughout: because such an action is not eating, but breathing, which the Church has not forbidden.

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For it might be possible to avoid swallowing any dust along with the air? However, it would be different (as Lugo correctly teaches in n. 36) if someone deliberately wanted to swallow a mosquito or dust, because this would not be mere breathing but a voluntary swallowing. And it is rightly said by Lugo in n. 35 that if someone were to swallow something, such as a grape placed in their mouth by another, even if they did not notice it and swallowed it accidentally while breathing, the Church would not prevent Communion because of things that are drawn in with the air, but of those that are not carried with the air.

Question 2: Does tobacco smoke, or something similar, break the fast?

Lezana and Antoine, as cited by de Leone in *De Euch.*, chapter 7, page 4, n. 71, affirm this, because (as they say) smoke also nourishes in some way. However, Holzmüller (n. 82), Sporer (n. 467), Croiœ (n. 570), along with Averilhac and Boudeville in *Viva* (n. 8), and Trul, Tamburini, Præpositus, and Salm. (ibid.) along with Suarès, Diana, and Villalonga, generally deny this, and it is more probable. Pope Benedict XIV in *De Missa*, volume 9, book 3, chapter 47, testifies that this is confirmed by the common opinion of the Doctors of today. The reason is that tobacco smoke is neither food nor drink, nor is it taken in by eating or drinking; otherwise, we would have to say that even those who inhale the smoke from food in the kitchen break the fast. And this holds true even if the smoke were voluntarily inhaled into the stomach, as probably stated by Escobarbe (n. 438), Viva (n. 7), along with Præpositus, Sporer (n. 467), Renzi (q. 7), Diana (loc. cit.), Tamburini (n. 23), and March and Burgh, as cited by Croiœ (n. 569), against Salm. (cit. n. 71, in fine), along with Hurtado, etc., who say, but do not adequately prove, that this is a true act of eating.

Question 3: Does taking a tobacco leaf or aroma, such as chewing it and spitting out the phlegm, break the fast? Antoine, as cited by de Leone in *De Euch.* (ibid., n. 72), and Henno in *Cont. Tourn.* (ibid., r. ad 4), affirm this, because (as they say) something is always drawn into the stomach, and therefore the phlegm is expelled. However, Lugo in *Resp. Mor.*, book 1, chapter 9, n. 2, Holzmüller (n. 8), Bonanni (n. 9), Sporer (n. 467), Viva (n. 7), Escobarbe (n. 438), along with Pasquius, Renzi (q. 7), and Diana (p. 5, tr. 13, r. 4), along with Conc., Tamburini, Præpositus, Trull, etc., deny this. And it is rightly considered probable by Salm. in *De Euch.*, chapter 7, page 4, n. 72, along with Bonanni. The reason is that it is not necessary for the juice to descend into the stomach in order to expel the phlegm, but it is sufficient to apply the tobacco to the mouth, so that the power of spitting sends something to the stomach through the nerves that respond to the stomach. And this holds true even if a small amount of juice, inextricably mixed with saliva, is swallowed unintentionally, as stated by Lugo (n. 7), Tamburini (n. 6), Viva, and Escobarbe in the places cited, along with Tann and Fausto in Diana, because if this is swallowed accidentally, it is not done in the manner of food, but in the manner of saliva. Indeed, Lorichius, as cited by Diana, excuses the case even if a grain is swallowed accidentally; but Bonanni and Tamburini do not rightly admit this, because in that case it seems rather to be taken in as food.

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However, it must be understood that this applies if a grain, or any significant portion thereof, is swallowed; if it is mixed with saliva in an imperceptible manner, it is not considered to be swallowed, because it is carried away in the manner of saliva. All agree that such mastication is improper before Communion; therefore, I believe it is not excused from venial sin,

unless some reason exists.

284. Rule III states that, in order to break the fast, the thing consumed must be of the nature of food or drink. Therefore, the question arises: does the consumption of hair, bristles, wood, paper, pebbles, and similar things prevent Communion? There are three opinions. The first opinion universally denies this, because all of these things are not of the nature of food, or at least, because they are not used as food. Thus, Dian. p. 3. tract. 4. res. 28. Renzi qu. 4. with Jo. Delacrux, Ludovico de S ncto Jo. etc. And it is considered probable by Bus. as above, and Ledesm. apud Salm. ibid. n. 70. The second opinion, conversely, universally affirms this, because (they say) reverence for the Eucharist requires not only that nothing be eaten, but also that nothing be swallowed in the manner of food. Thus, Laym. n. 48. Ronc. q. 8. Salm. cited. n. 70. Wig. n. 44. Pal. n. 7. And in support of this opinion, they also cite D. Th. p. 3. q. 80. art. 8. ad 4. where they say: "It does not matter whether something of this kind nourishes or not, as long as it is taken in the manner of food or drink." The third opinion, which is the common teaching, states that the fast is least broken if things that are entirely indigestible are eaten, such as hair, nails, metal, glass, threads of silk or wool, and fruit pits that have been completely cleaned: because these do not nourish, nor are they of the nature of food; and the Church only prohibits the taking of the Eucharist after food or drink, as is clear from the Council of Toledo, VIII. canon 2, which says: "No one shall presume to celebrate Mass after having taken even the smallest amount of food or drink." And from the Council of Mâcon, where it says: "Let not earthly food be preferred to heavenly food." St. Augustine also says (Ep. 48 to Januar.): "It pleased the Holy Spirit that, for the honor of so great a sacrament, the Body of the Lord should first enter the mouth of the Christian, before other foods." Thus, Conc. n. 6. Cont. Tourn. ibid. v. Alii. Vivan. 5. Sporer n. 467. Holzm. n. 72. Escob. n. 332. and Lugo n. 28. with Henr. Nugno, Vill. Reg. etc. This opinion is not contradicted by D. Thom. in the place cited above, for it is necessary to consider the entire text of the Doctor, who says: "And therefore, it is not licit to receive this sacrament after the taking of water or any other food, or drink, or even medicine, nor does it matter whether something of this kind nourishes or not." Note: "something of this kind." Therefore, whether it nourishes or not, D. Th. refers only to the things he himself has listed as food or drink, among which he also includes medicine, which is often not nutritious. Furthermore, it could happen that the food is immediately vomited up, and thus does not nourish, and therefore he said that something of this kind prevents Communion, whether it nourishes or not.

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Concerning matters that are digestible, which can be altered by the stomach and converted into the substance of a man, such as paper, straw, linen

cloth, medicinal powder, and wax (since wax almost always contains some honey mixed in), see Tamborini, no. 20; Viva, no. 5; Council of Trent, no. 6; and Mazzola, p. 147 (contrary to Diana and Bernini). Similarly, Croix, no. 562; Lugo, no. 32; Escobedo, no. 335; Viva and Mazzola, cited above; Wigand, no. 44, concerning earth or clay, which women often eat, if something is found in it that can be altered by the stomach and is nutritious.

282. — However, among many conflicting opinions, is it permissible for someone to follow the last opinion in order to receive Holy Communion? Merolla and Salas deny this, citing Diana, p. 4, tr. 3, r. 19. But most commonly, Sanchez affirms this, citing *Doctor Matrimonialis*, book 2, dist. 41, no. 40; Quarti, p. 3, title 9, doubt 3; Merati in the Rubrics on Defects, § 9; Diana, cited above; Sporer, p. 159, no. 471; Holzapfel, vol. 4, p. 38, no. 180, with the common opinion, as asserted by Croix, no. 584; Lugo, d. 45, no. 45; and Fagius, Sanctius, and Villalobos; Escobedo, no. 353; and Trullius and Salmeron, *De Eucharistia*, book 7, p. 4, no. 69, at the end; and Paschasius, Gabriel, and Antoninus of Florence, provided that there is no certainty of error, as rightly noted by Lugo and Escobedo, or, I add, with Croix, that the opinion is not among those that are most likely to be erroneous, because these are presumed always to err.

Can someone receive Communion who swallows food after the first stroke of the hour, but before the last? Salmeron affirms this, citing Trullius, Bressero, etc., and Gobat, citing Croix, no. 580. Because, as they say, the last stroke completes the hour morally, so that all the strokes are counted for the time. But Lugo denies this, d. 45, no. 37; and Tournhem, *De Eucharistia*, chapter 6, article 2, section 1. Sanchez, Escobedo, and Croix agree with the common opinion. The reason is that, at the first stroke of the hour, midnight has already passed, as a very skilled clockmaker also confirmed to me. However, I believe it is certain that the time of midnight should be understood physically, not morally; for if it could be understood morally, why should the opinion of Caramuel not be admitted, who says that it does not prevent someone from receiving Communion who swallows food shortly after the last stroke of the hour? But this is commonly rejected by theologians and by Salmeron himself, cited above, near the end.

In a negative doubt, whether or not midnight has passed, can someone receive Communion? The affirmative opinion is very probable, indeed, perhaps more probable than the negative opinion, as observed by Lugo, book 4, no. 39, with Busembach, Layman, Palafox, Sporer, etc., to which we should add Cardenas in *Crisi*, book 4, d. 26, no. 87; Diana, p. 2, tr. 43, r. 2; Gobat, no. 280; and Elbel, vol. 3, *De Eucharistia*, no. 401, with Herincx, Illsung, etc., because, since this precept is negative (as we have shown, cited above, in book 4), one is not bound to abstain from the Eucharist after eating, as long as one is not certain, and all the more so if one has

no probable reason to believe that one has eaten; then one still remains in possession of one's liberty.

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283. — 4. It is not a sin, in itself, to take or spit out food immediately after Holy Communion, as Azor, Sanch. Bon. d. 4. q. 6. p. 1. n. 25, teaches, following St. Thomas. Therefore, Diana and three others, p. 3. t. 4. r. 44, state that someone who had eaten supper shortly before midnight on the Saturday before the Nativity of Our Lord could nevertheless celebrate Holy Communion immediately after midnight. Although, out of reverence for the Sacrament, it is advisable to abstain until the species are consumed; which, at least within a quarter of an hour in a layman (within a quarter of an hour in a priest), seems certain, as Cardinal de Lugo states in d. 12. sect. 3. n. 54, based on the judgment of doctors he consulted. Tamb. cap. 3. §. 4, following John Sanch. d. 38, notes that it is digested more quickly by a strong than by a weak stomach, but that it should nevertheless be digested by everyone within an hour; and he recounts the case of a sick person who, after an hour, rejected the remaining species. All agree that it is proper for those who have received Communion to abstain from spitting for a certain period of time; however, Holzm. t. 1. de jejun. p. 351. n. 76, Wigandt tr. 12. n. 45, and Croix l. 6. p. 1. n. 549, state that there is no sin in spitting out after Communion, if no fragment of the Host remains in the mouth. But is it permissible to eat or drink immediately after Communion? Formerly, according to can. Tribus 33. de Consecr. dist. 2, a fast was prescribed after Communion until Sext, but this precept has long been abrogated, as St. Thomas taught in his time in 3. p. q. 80. art. 8. ad 6. Therefore, Holzm. states in the same place that today, no one sins by eating immediately after Communion. But Croix, in the same place, and Suar. Aversa, Quarti, and Dicast., do not allow this, unless there is some reason, such as if a religious is to go to the table after Mass, given a signal; otherwise, such eating, while the consecrated species are still in the stomach, is not excused from venial sin, as the aforementioned authors, citing St. Thomas, state, who in the same place teaches: "There ought to be some delay between the taking of this Sacrament and other foods." But for how long do the consecrated species remain in the stomach? See the statements in n. 225.

284. — 4. I said in the response that it is regular: because a person who is not fasting may licitly receive Communion in the following cases, provided that the person who is not fasting cannot do so without notable inconvenience, as Conc. and Bonac. state apud. Diana, p. 9. cap. 6. r. 42. 4. In danger of death, whether it be from illness, wound, poison, or by the judgment of a judge. Indeed, in the same danger, even if you are not obliged, you may repeat the Viaticum after a few days, e.g., 6, 7, or even, as Laym. believes, two days (although, with regard to this, it is most important to pay attention to custom, as Cardinal de Lugo advises), provided that you cannot take

the Viaticum while fasting, and the danger of death recurs, as is taught in comm., or even if it remains, as Vasq. Præp. and others teach Nav.

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Vol. Regin. Suar. of Lugo, p. 3, no. 65. However, even though it is not permissible to receive Holy Communion without fasting due to devotion alone, if the illness is prolonged and Communion cannot be given except after taking medicine, it is probable that this is permissible, as taught by Armil., Tolet., Bon. Regin., Henry, Suarez, Escob, etc., among whom some require a long interval, e.g., 30 days, as Nav. and Vill. state, others 8 or 10 days, as Suarez, Henry, Fag. state, others 7 days, as Sylv. states, others 6 days, as Arm. Zamb. Possev. and Fill. state, whom Dian. de celebr. follows, no. 77; others permit it as often as it could be given to a healthy person, as Escob. states, vol. 7, no. 6, from Hurt.; others finally hold that it can be given the following day, for a just reason, such as if, due to custom, desire, or devotion, the person finds it difficult to abstain, and it appears morally necessary, as Laym. states, book 5, treatise 4, chapter 9, no. 20. However, the custom of the place must be considered, which now at least seems to permit that, when the illness and danger are prolonged, Communion may be given again after 7 or 8 days, even without fasting. See de Lugo, no. 45, section 3, on the Eucharist, no. 285.

It is questioned whether it is permissible to administer Holy Communion again to the infirm who are already strengthened with the Eucharist? Whatever some may say, the true and common opinion affirms this, as held by Suarez, book 3, part 2, no. 68, section 5; Laym., book 5, treatise 4, chapter 6, no. 20; Conc., vol. 8, p. 320, no. 16; Holz., vol. 4, p. 354, no. 73; Cont. Tourn., chapter 6, article 2, section 4, towards the end, with Tol., Sylv., Wit., etc., and Lugo, no. 15, no. 64, with Sa, Arm. Soto, Conc. Vict., and others throughout; and Benedict XIV testifies in de Synodo, book 7, chapter 12, that no theologian of any name denies this opinion. The reason is that this Sacrament is not given to the sick precisely to fulfill the precept, but as a safeguard against temptations, which are more urgent at the time of death. And this not only if a new danger arises, but also if the same danger persists, as Sylvest. states, in Eucharistia, no. 3; Elbel, vol. 3, p. 401, no. 129 (who testifies that this is the common practice of the Church), and Suarez, Laym., Holz., etc., with Soto, Tol., etc. Likewise, Benedict XIV teaches in the same place, no. 5, adding that the Bishop should instruct the parish priests that they may, and should, administer the Eucharist again and a third time to the same infirm person, especially if the sick person requests it; and if they wish, they may impose a penalty on the parish priests who refuse to bring the Eucharist again and a third time to the sick who devoutly request it, under false pretexts. Vasq. does not contradict this, as wrongly assert Bus. and Lugo; for Vasq. only speaks of the obligation of the precept, which he believes is fulfilled by a single reception of the Eucharist.

However, it is doubted for how long should one Communion be distant from another? The more common opinion holds that there should be about eight days, as Busemb. states, as above, Conc., in the same place, Cont. Tourn., ibid., as well as from the ancient Roman Ritual, Escob., book 20, no. 364, with Sylv. and Fill., and Salm. de Euch., chapter 7, p. 4, no. 76, with others. But it is not improbable that Laym.

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d. n. 20. Escob. n. 363. et Ronc. de Euch. c. 6. q. 4. r. 3. cum Hurt. dicunt quod infirmus, accustomed frequently to receive the Sacrament out of devotion, may very well, on another day, receive Holy Communion immediately after having received the Eucharist, even without fasting. And they allow this on each day, Pal. p. 13. n. 14. and Arm. ac. Dic. ap. Croica n. 613. And Tamb. Meth. c. 5. n. 24. considers it probable.

A second question is raised: If someone has received Holy Communion a few days prior out of devotion, are they obligated to receive the Eucharist if death is imminent? The more common opinion is that they are not obligated, even if the previous Communion was received approximately eight days prior; this is held by Laym. tract. 4. c. 5. num. 4. Lugo d. 16. num. 39. with the common opinion, as stated by Ronc. c. 6. quæst. 4. r. 1. and with Conc. Ang. Fill. Tab. Henr. Molf. Suar. d. 69. sect. 3. §. Rogabis (who, along with Soto and Palud., hold this opinion if the Communion was received three days prior), and Palaus p. 14. num. 7. and Salm. de Euch. c. 8. p. 1. num. 5. consider it probable. The reason is, first, because the precept of Holy Communion is already substantially fulfilled by the previous Communion received; and second, because a person is obligated to receive Holy Communion in articulo mortis in order to prepare himself for the passage from this life, but he is already considered sufficiently prepared if he has received Communion shortly before. This opinion is sufficiently probable, at least (as Suar. l. c. and Lugo n. 53. state), if the danger of death occurs naturally, because in that short preceding time, the moral necessity of receiving the Sacrament has already begun to be imminent, even if it was not foreseen.

The second, more probable, opinion affirms this, and is held by Vasg. d. 214. c. 2. n. 14. Palaus l. c. Concina p. 320. num. 14. Cont. Tourn. de Euch. cap. 7. art. 2. sect. 2. concl. 1. v. Quær. 1. with Habert, Dian. p. 5. tract. 3. r. 33. with Hurt. Turr. Ochag. etc., and Salm. ibid n. 7. adheres to this more strongly. The reason is, because this divine command precisely obligates, according to the interpretation of the Church, in the imminent danger of death, so that we may be fortified against enemies by this divine aid; therefore, it is not fulfilled by a Communion received out of devotion; just as one cannot satisfy a debt before it is contracted, so also one cannot satisfy a precept before its obligation is pressing. It does not invalidate this to say that someone who received Communion shortly before is already

sufficiently fortified, and has therefore already fulfilled the purpose of the precept; for if this were the case, someone who received Communion on the day before Palm Sunday would not be obligated to receive the Paschal Communion, but no one would say this. See the statements in n. 297, in fine.

A third question is raised: If someone received Holy Communion in the morning out of devotion, are they obligated, or can they, in the face of imminent danger of death, receive the Eucharist? Three opinions exist. The first opinion affirms that they are obligated, because the Eucharist must then be received in order to fulfill the divine precept; this is held by Dian. p. 5. tr. 5. r. 33. with Hurt. Turr. Ochag. p. 10. tr. 14. r. 4. with Pell. Leand. Dic. etc.

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The second opinion states that it is not required, but rather permissible, to administer Communion; thus, Roncatius holds this view in book 6, question 4, response 4; Gobat and Marinus, as cited by Benedict XIV in "De Synodo," book 7, chapter 14; and Anaclatius considers it probable, as found on page 400, number 36, and Dianus on page 6, treatise 6, response 48, along with Hurt, Bressero, and others. It is also testified that this practice was adopted by the Fathers of the Society of Jesus in Palermo (Panormi) in the year 1638. The third opinion, held by Suarez in book 69, section 3; Layman in chapter 5, number 5; the Council in page 320, number 14; and the Council of Granada, Fagundes, states that it is neither required nor permissible to administer Communion, because, since the divine precept obliges according to the intention of the Church, the practice of the Church is that no one should receive Communion twice in one day; nor should this case be dispensed with unless there is a necessity. However, Concina doubts whether it would be permissible for someone to receive Communion who earnestly desires the Viaticum due to the success of a treatment. All three of these opinions are considered probable by His Holiness, Pope Benedict XIV, as he states in the aforementioned passage, saying: "In such a disagreement among the Doctors, it will be proper for the parish priest to adopt the opinion that seems most fitting to him." Furthermore, the opinion of Lugones in book 16, numbers 53 and 54, seems more probable to me, who distinguishes between a natural illness and a violent one, and says that if someone has been wounded or has fallen from a height, they may receive Communion (indeed, they are obligated to do so, according to our opinion presented in the previous question), because in this case, they have not received the Viaticum while in the condition of death; on the other hand, if someone is already ill and receives Communion in the morning out of devotion, then it can rightly be said that they have morally received Communion in danger of death, since that illness was already dangerous in itself, even if it was not yet known. The same, I believe, should be said

against Suarez, by Lugones, if the illness is sudden, such as apoplexy or something similar; for such illnesses are judged to already exist in their causes, even if they are unknown. It should be carefully noted, as stated by Salm in "De Euch.," chapter 7, page 4, number 74; Viva in question 4, article 8, number 9, and others, that if the sick person can easily receive the Viaticum without fasting on the following day, they are certainly obligated to wait; however, if there is a danger of death, or if they cannot conveniently wait, such as if a suitable medicine must be administered, or if the Eucharist must be brought at an inconvenient time at night, as stated by Viva with Coninck. Regarding the rest, Salm, as cited above, along with Soto, Navarr, Gill, and Viot, rightly state that one should not proceed scrupulously in this matter, since in the Council of Constance, session 43, the sick are simply exempted from the law of fasting. Those condemned to death can rightly receive Communion without fasting, if the judge does not wish to postpone the execution of the sentence for so long that they can receive Communion, as rightly stated by Salm, ibid., number 82, and Wigandt, treatise 12, number 49. Fourthly, it is doubted whether the priest administering the Viaticum can ever omit those words prescribed in the Ritual: "Receive the Viaticum," etc. Alericatus denies this in "De Euch.," decision 19, number 12, and Tamborini, Quarti, and Cardinal Brancati, as cited in "De Alex. Confes. Monial.," chapter 12, section 6, question 24, because (as they say) the aforementioned words are very beneficial, since they are ordained by the Church.

[*Latin ed. p. 102*]

because the Roman Ritual establishes law regarding those things prescribed within it, as Paul V. stated in his bull, that they should be observed inviolably. It is probable that Alexander and Tonellius affirm this in book 1, chapter 1, section 12, number 6, citing from Pasq., in the case where a sick person, with great sadness of spirit, is to receive Communion as Viaticum. To fulfill the precept of Viaticum, the intention of fulfilling is not required, but it suffices that the action prescribed be performed, according to what is said about Hor. can. in book 4, number 476, or at least the intention of interpreting the fulfillment of the obligation, which is more urgent, suffices. Regarding those words prescribed by the Ritual, Alexander responds with Pignatelli in volume 9, Consultation 36, section: "Neither is it the case that everything prescribed in the Ritual falls under the precept, but some are prescribed under an obligation arising from elsewhere, and some are prescribed only for decency: nor does the Pope draw these from his own authority, but only ensures that they proceed correctly within his authority; for the words of the bull are: Therefore, we urge bishops, vicars, and parish priests, etc., to use the established Ritual in the sacred functions in the future, and in this matter of such importance, which the Catholic Church, and the usage of antiquity approved by it, has established to be observed

inviolably." Therefore, "to observe inviolably" refers only to those things which the Church, and the approved usage of antiquity, have established. Furthermore, whatever may be the case on this point, even if everything in the Ritual fell under the precept, it cannot be said that the precept of uttering those words imposes a grave obligation; for the words that are substituted, "This is the Body of Our Lord Jesus Christ," etc., signify and effect the same thing in themselves. To excuse oneself from venial sin, in our case, it is certainly sufficient to change those words, so that the sick person is not greatly afflicted. 286. — "Finally, although it seems probable, as Fill. in volume 1, treatise 4, number 242, and Card. de Lugo teach in Maj. in 4th part, 9th chapter, 3rd section, and Fern. de hæred. etc. (although Laym. in volume 5, treatise 4, chapter 6, number 21, limits it to the case of necessity, in which the dying person could not receive another sacrament, and scandal would be avoided), that one can celebrate Mass without fasting in order to give Viaticum to another, because this is a matter of divine law, while fasting is only of ecclesiastical law; therefore, not only can one, but it is also held, as Gran. in 3rd part, chapter 6, volume 10, 8th section, number 12, says, that it is nevertheless meritously communicated, because, first, the contrary is proven by practice; second, because greater consideration must be given to the sacrament than to the proximate necessity of another; third, because the precept of Viaticum does not obligate when it cannot be given properly. Thus, Bon. ex. Con. Hur. de Euch. in 9th part, difference 47, and Suar. Vasq. etc. comm. teach, and C. de Lugo holds it to be probable. See Dian. in volume 1, treatise 4, response 33. However, a priest who is near death (whether natural or violent) can undoubtedly celebrate Mass without fasting, to give himself Viaticum, if it cannot be received otherwise: because it is no more..."

[*Latin ed. p. 103*]

It is more fitting to abstain from food before receiving the Eucharist. Card. de Lugo, d. 45, s. 4; Laym. Dian., p. 5, t. 3, r. 36. The question is raised: Can a priest, in order to administer the Eucharist, celebrate the Mass without having fasted? The first opinion affirms this, and it is held by P. Concin., p. 362, n. 7; also by Major, Fernan., and Zambr., apud Lugo, d. 45, n. 67, and it is considered probable by Esc., l. 20, n. 368; Viva, q. 4, art. 8, n. 9; Dian., p. 8, tr. 2, res. 78; and Lugo, l.c., with Fill. and Cont. Tourn., *De Euch.*, cap. 9, art. 2, sect. 1. Two arguments are presented against this. The first reason is that, in this case, divine law takes precedence over ecclesiastical law; and secondly, that the same ecclesiastical law, while permitting a dying person to receive Communion without fasting, also seems to permit a priest to celebrate without fasting, in order that the sick person may receive. The second, more common, and more probable opinion denies this, and it is held by Busemb., as above (who asserts that the opposite opinion is commonly rejected, but this is undeservedly so);

Suar., d. 66; Cont. Tourn., loc. cit., r. ad 2; Salm., *De Euch.*, c. 7, p. 4, num. 77; Renzi, t. 1, *De jejun.*, c. 1, q. 4; and Lugo, l.c., n. 68, with Nav., Sylvio, S. Anton. Soto, Coninch., Sylv., Armilla, Vict. Henr., and Vasq., who call the contrary opinion improbable. The reason is that, although the precept to receive the Eucharist is divine, and the precept not to celebrate after food is only ecclesiastical, nevertheless, this latter is also, in substance, divine, due to the reverence owed to the Sacrament, which is not excused in this case by the benefit to the dying person, since this Sacrament is not of such necessity. Thus, the first argument of the opposing opinion is refuted. As for the second argument, it is permitted for a dying person to receive without fasting because, in that case, both the ecclesiastical precept regarding fasting and the divine precept regarding receiving the Eucharist are present, and the latter must take precedence. This is different for the priest, who is bound only by one precept, namely, not to celebrate unless he has fasted, and he himself cannot violate it, so that the dying person may fulfill his precept, to which, in that case, the dying person is not even bound, since he is no longer alive. It does not obstruct to say that, just as a priest, conscious of mortal sin, can celebrate without prior confession in order to give the Eucharist, so too he can do so without fasting; for then, the very necessity of administering the Eucharist excuses him; since the priest can prepare himself through contrition, and thus remove the obstacle; but not if he has not fasted, for he cannot then remove the obstacle of having violated the fast, and thus cannot avoid irreverence, as stated in a similar case, n. 262. I consider the first opinion to be probable, but the second seems more probable to me, unless (as rightly say Laym., tr. 4, c. 6, n. 21; Viva, q. 5, art. 6, num. 3; and Escob., l.c.) the dying person could not be prepared by the Sacrament of Penance, or of Extreme Unction; for in that case, the Eucharist could be the Sacrament of necessity, so that through it he might be made contrite.

[*Latin ed. p. 104*]

Conversely, it should be said that if a priest is near death, he ought to celebrate Mass to receive the Viaticum; for then he can certainly celebrate without fasting, in order to fulfill the precept of the Viaticum; at that time, the ecclesiastical precept and the divine precept, which must be preferred, concur in the same person; thus, it is commonly held by Busemb., Suar., Lugo n. 69, Laym. n. 20, Renzi, quæst. 4, and Salm., c. 7, n. 78, among others.

2. "If there is danger that the Eucharist will be lost or treated improperly, it can be received by one who is not fasting, even by a layperson if no priest is available" (This is commonly found in Salm. de Euch., c. 7, p. 4, n. 78. See the aforementioned note n. 86). "Indeed, it is probable that a layperson can even receive it from a present priest, as taught by Card. de Lugo, n. 87, Suar., and Vasq., d. 211, n. 48.

3. If a grave scandal would arise from the omission of the sacrifice or Communion. However, some believe that this is hardly possible, because

a scandal could occur by saying that the priest took something by chance, and is therefore prevented [from celebrating]. If a priest remembers after consecration that he is not fasting, it is certain that he is not bound, nor can he abandon the Mass, since the divine precept of perfecting the sacrifice outweighs the ecclesiastical precept of communicating while fasting. See Azor, p. 1, lib. 40, c. 33, qu. 3, and Bon., d. 4, qu. 6, p. 2, num. 49, who commonly teach this with Henriq. Rodr. Reg. and others. However, if he remembers having broken his fast before consecration, and especially before the canon, he certainly ought to desist from the Mass, if he can do so without infamy or scandal, as is also commonly said by Lugo, d. 45, n. 70, Pal., p. 43, n. 22, Bon., loc. cit., p. 1, n. 46, Conc., t. 8, p. 364, num. 49, and Cont. Tourn., de Euch., cap. 6, art. 2, sect. 1. See also Ronc., c. 5, q. 9, r. 3, and Salm., de Euch., c. 7, p. 4, n. 79, with Suar., Laym., Gabr., etc., from D. Th., q. 83, art. 6, ad 2, where it is said: "I would consider it safer, especially in the case of eating, to abandon a Mass that has been begun, unless a grave scandal is feared." St. Bonaventure, in Bon., dict., n. 46, also thinks so, and Sotus, Ang. Reg., etc., consider it probable. Abid. argues that one should never abandon a Mass that has been begun because of this reason of scandal, since it is almost never possible to omit it without causing scandal. Conversely, Concina rarely finds that scandal can occur in this situation. I believe it is better to say, with Cont. Tourn., loc. cit., that scandal can always be feared, unless the celebrant is of known, or at least presumed, integrity. I say "scandal" because a disturbance, or some inconvenience, will follow, e.g., if the celebrant has first taken something, it is not necessary to note [this], unless there are grave circumstances. Croiæ, n. 583, with Gob. See n. 257.)

4. If the perfection of the sacrifice or Communion is urgent. This can happen in five ways: I. If, for the species of wine, water has been taken (which, if noticed while it is in the mouth, should not be spat out for fear of ejecting a fragment of the host, and out of reverence, but should be swallowed).

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Concerning the expeditous celebration of the Sacrifice, Book 2, Chapter 8. Cardinal de Lugo, point 15. (And he rightly cites the Council, page 363, number 9.) For then one is bound to consecrate anew (both substances), which can also be done by consecrating and offering immediately, without a new host. As Scotus, Suarez, Layman, etc., state in Croix, Book 6, Question 2, number 545. However, the Rubric of the Missal, in the chapter on defects, number 5, teaches that both opinions (namely, that a new host must be consecrated, or that only wine may suffice) are probable, if the celebration is public. See Suarez. But if this is noticed after the Mass is concluded, in the sacristy, it should be omitted (as Salmeron, in *De Euch.*, chapter 7, page 4, number 80, and Layman, etc., state). If, however, within the Mass,

after the reception, or even before it, but after the consecration, one doubts whether it was wine, it is to be presumed that it was wine, and the Mass should proceed, says Tamburrino. (As Gobius states, in Croix, Book 6, page 2, number 535, who, however, along with Pasquius and Aversio, say that another wine should be consecrated when a prudent person is present and there is doubt; unless another substance is to be expected for a long time, as in number 536. See the aforementioned point 206, see also the note concerning this.)

II. If the celebrant fails after the consecration, then another, even if not fasting, is bound to complete the sacrifice, unless a fasting person cannot be found.

III. If, after the consecration of even one species, one remembers that he is not fasting, he is bound to proceed; indeed, he can even proceed if he remembers this before the consecration, and without causing scandal, and if it is not possible to stop, for example, in a solemn Mass, as Suarez, etc., teach. However, if he is celebrating privately, and it is convenient for him to interrupt, he is bound to do so, as is taught in *Summa Theologica*, part 3, question 83, article 6, point 2. (See the aforementioned point 262, doubt 4.)

IV. If, after the ablution has been taken, it is permissible to distribute Communion for a long time, the remaining portions, even the larger ones, should be taken of the same Sacred Host. (As Salmeron states, ibid., number 80, with Suarez, Paleari, Layman, Bonni, Vasquez, etc.; see the aforementioned point 251.) I add that it is not permissible to take particles of another sacrifice that are in the ciborium, to cleanse another, as Suarez and Cardinal de Lugo state in the aforementioned passage, with a common opinion; although Tamburrino, in *De expeditis communic.*, chapter 2, section 8, citing Marchilius, volume 3, page 3, chapter 3, states the contrary. Nor is it permissible to take of the same sacrifice, if it is plainly finished, and one has gone away from the altar, but they must be kept until they are taken by a fasting person, as Escobedo states, volume 7, page 6, and Fagundes, etc. Unless, however, some danger of indecency suggests otherwise, for example, if there were to be several Masses that day, and the Sacrament could not be kept, then it would be permissible to take it, rather than keep it. Indeed, Cardinal de Lugo, point 14, page 4, number 82, and Granado do not condemn the priest who, before removing his sacred vestments, takes a particle that has been found, because it is not a new Communion, but a completion of the previous one. See Bonni, Cardinal de Lugo, Escobedo, chapters 5. If a part of the host adheres after the ablution, to the chalice, or to the palate (which is more decently removed with a new ablution, rather than with a finger, as Bonni states, citing Fillon).

[*Latin ed. p. 106*]

And to others, although the Missal also permits that the chalice be

brought to the mouth with a finger, and that it be taken before ablution): in this way, also, those are excused who, out of devotion, retain the Host in their mouth for a long time, and by chance take something before the ablution; however, this is not permitted unless good faith and holy simplicity excuse it. The reason for all of this is that such a taking is morally considered to be the completion of one sacrifice. *Reg.*, book 1, chapter, number 123. *Bon.*, book 1, title 4, question 6, paragraph 2. Suarez, Sylvester, Anglerius, and Fillius, in Salmeron, *De Euch.*, chapter 7, page 4, number 81, at the end, and Croice, book 6, page 1, number 641, at the end, state that it is permissible to give the sick the smallest particle together with the ablution, if they are unable to swallow it; indeed, Father Zacharias, in Croice, at the aforementioned number 641, reports that this was the custom of the monks of Cluny. Furthermore, it is also permissible to give the healthy a sip of water or wine, so that they may swallow the fragments of the particle that may adhere to the mouth, as Benedict XIV states in *De Sacr. Miss.*, book 2, chapter 22, and as is the custom in many places; because, as Lugo teaches in number 15, paragraphs 79 and 83, and Palafox, page 13, number 21, and Holzmüller, volume 1, page 351, number 75, and Croice, book 6, page 1, number 573, and Salmeron, in the aforementioned passage, with Suarez, Vasquez, and Bonaventure, although the ablution is taken before the Host, or the fragments of the Host, this does not prevent the fast. The reason is that the violation is not morally considered to precede Communion; for the precept of fasting is that nothing be taken before the reception of the Eucharist; but when the Eucharist is taken together with the ablution, then all of it, both the ablution and the particles, are taken in a single taking, and therefore it is rightly verified that the violation of the fast does not precede Communion. And therefore, on the day of Paraskeve, the Church has instituted that a consecrated particle be taken together with the wine on the preceding day; and in the *Rubricae Missalis*, volume 40, number 8, it is said: if a particle adheres to the chalice, the wine may be poured in, and it may be taken; and Lugo, number 83, and Salmeron, cited, number 81, add that the wine may be poured in again, until the particle is taken. From all of these things, Lugo, in number 79, calls the opinion of those who say that such a taking breaks the fast, a false opinion. At least all concede that this taking does not prevent the fast that the Church has prescribed by precept.

289. — "There is one case, in the fear of death, in which, as in the case of lacking an altar, or a consecrated chalice, or sacred vestments, so also the fast may be omitted, as taught by Dionysius, with Sylvester, etc., page 3, volume 6, rule 48, and page 5, volume 3, rule 39, provided that the celebration is not required in contempt of religion, the Church, or its precepts. Several Doctors admit that it is permissible to celebrate after food, in the absence of contempt, besides Sylvester and Dionysius, as mentioned above; this is also conceded by Viva, question 4, article 8, number 9, volume IV, and Salmeron,

De Euch., chapter 7, page 4, number 82, with Ochagavia. But to celebrate without sacred vestments, or without an altar, is never truly permissible, because it is intrinsically evil because of the irreverence that it would bring to the sacrifice; see the aforementioned number 377.

[*Latin ed. p. 107*]

Question 2. Nor, in order to administer the Eucharist, as rightly teach Benedict XIV, *De Sacrificio Missae*, book 3, chapter 49, paragraph 6, and Lugo, and the Dicastery of the Holy Office, book 6, page 4, paragraph 610, against Jordan. But someone might say: why, because of the fear of death, is it permissible to celebrate without fasting, and not permissible to celebrate without sacred vestments? Undoubtedly, I do not find a completely adequate answer to this difficulty; one could only respond that the precept of celebrating with sacred vestments has been so strictly accepted by the Church, that it is known that no dispensation has ever been granted, and therefore the vestments are considered to be of such intrinsic importance to the sacred sacrifice; but the precept of fasting is not so strictly observed, since in many cases the Church permits the non-fasting to receive Communion, as has been said in paragraph 284. Finally, it should be noted that if someone has not slept, or has not digested his food, with respect to the precept of fasting, he can rightly receive Communion, as say Suarez, *d. 68*, section 4; Juinian, volume 7, question 350; and Bonaventure, *p. 2*, paragraph 41, along with Navarrus, Soto, Regius, Fillon, Henry, and others, against Panormitanus, etc., *ad Concilia*, page 363, paragraph 45. Furthermore, sometimes it is advisable for someone to abstain from Communion because of a dullness of mind, as rightly say Contenson, *Tourn.*, chapter 6, article 2, section 1, and Concina, *l.c.*, from St. Thomas, question 80, article 8, ad 5, where he teaches thus: "It does not matter whether, after having taken food or drink, one sleeps, or even digests, with respect to the reason of the precept. It matters, however, with respect to the disturbance of the mind, which people suffer because of indigestion, or insomnia, from which, if the mind is greatly disturbed, a person becomes unfit to receive this sacrament." However, this does not apply if the wakefulness, or indigestion, has resulted from a natural, or reasonable, and honest cause, nor if a person tries to repel that disturbance, doing all that is in his power to approach devoutly, as we have said of one who has suffered pollution. See paragraph 272, *in fine*.

ARTICLE III. What is the obligation of receiving the Eucharist?

390. Is Communion necessary for adults by the necessity of the intermediate state?

391. Is each person bound to receive Communion when in danger of death?

392. What should be done in danger of vomiting, or in a case of delirium?

393. Should the Eucharist be administered to children?

394. Concerning the obligation of communicating.

395. When does the divine precept, and when the ecclesiastical precept, obligate?

396. Question 1. How is the year of obligation to be computed?

397. Question 2. Is someone who has not communicated at Easter bound to communicate as soon as possible? What if someone, anticipating an impediment, took Communion in order to fulfill the Paschal precept?

398. Question 3. Is someone who cannot communicate at Easter bound to take precautions?

399. Question 4. Are the faithful bound to remove an impediment in order to fulfill the Paschal Communion?

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300 Concerning the obligation to receive Holy Communion within the parish. Are priests, travelers, and religious servants exempt? Are others exempt with the consent of the pastor?

301 Concerning the obligation of children to receive Holy Communion at Easter. Q. I. Are children obligated, or are they permitted, to receive Holy Communion immediately after the use of reason? Dub. 1. At what age are they considered obligated to receive Holy Communion? Dub. 2. Should infants be given Holy Communion at the point of death?

302 Q. II. Can Holy Communion be administered to the dying?

303 Q. III. Can it be administered to the half-crazed, the mute, the deaf, and the possessed?

290. — R ESP. "The reception of the Eucharist is necessary for adult faithful not by a necessity of means," (but see note 492). "but by a divine precept, both at the point of death, as Viaticum, and also more frequently in life, as taught by Suarez, Vasquez, Laym, Fagund, and others; and they prove this from Scripture, from the Council of Nicaea, and the Council of Trent, Session 43, Canon 6, from the practice of the Church, and because the Eucharist was instituted as a food, the use of which is often necessary." Bonac. d. 4. q. 7. p. 4. n. 8. Therefore:

291. — "4. Every faithful person who foresees or justly fears a danger to life, e.g., in a serious illness, before battle, or during childbirth, especially the first, before a voyage, etc., is obligated under pain of mortal sin to receive Holy Communion." Suarez, Vasquez d. 214 (Thus Elbel p. 404. n. 431. Antoine p. 484. quæst. 4. and Ronc. cap. 6. quæst. 3. with Tambur. and the common opinion.) "Unless, however, he has received Holy Communion within a few days, e.g., within eight days: such a Communion would be considered to have the nature of Viaticum, as taught by Suarez, Regius, Fill., against some, as Gasp. Hurt. d. 10. diff. 2. etc., apud Escob., who say that he who received Holy Communion in the morning, if he is in danger of

death before dinner, should again receive Holy Communion as Viaticum." (See note 285. Dub. 3.) "Indeed, Salmeron and Sylv. v. Euchar. Fumus etc. and Caj. v. Communio, believe that it is not even a mortal sin to omit Holy Communion, provided that it is received at Easter." (See note 279. in fin. v. Dicit.).

292. — "2. If, being ill, there is a danger of vomiting, Sancius teaches apud Dian. p. 5. t. 3. r. 55 that a small particle may be given, which is not thought to alter the stomach, or if there is doubt about this, for the sake of safety, a non-consecrated particle should be given first, which, if rejected, should not in any way be consecrated: otherwise, if it is retained. If, however, he vomits continuously, independently of food, it should not be given in any way, unless he has been free from vomiting for at least six hours. In case of doubt whether the person receiving will vomit, Croix l. 6. p. 4. n. 522, with others, more commonly says that it is not permissible to administer Holy Communion (against Tamb. Gob. etc.), because the reverence due to the Sacrament must be observed."

[*Latin ed. p. 109*]

It should be for the benefit of the infirm. However, in the case of delirium, Salm. cap. 8, n. 14, along with Zambrano, states that it is the best practice to give the infirm beforehand a particle that is not consecrated, in order to test whether they can properly receive the Eucharist. If, however, the sick person is afflicted by a cough, they can receive Communion, because, although the phlegm that is expelled often comes from the chest, there is no danger of rejecting the sacred species, since the path through which the spittle is expelled by coughing is not the esophagus, or the path for food and drink to the stomach, but rather the trachea, or the path for respiration to the lungs; thus Croix, no. 554, along with Palao and Gob. However, Croix rightly notes that the particle may descend into the stomach; for if the cough were so constant that it did not allow this, one should abstain from Communion, as is stated in the Roman Ritual for the Communion of the Sick, no. 293, par. 3. For children who are of sufficient age to understand, and who can distinguish the Eucharist from other food, it is more probable that they should be given it as Viaticum in the event of mortal danger, as Vasquez suggests in Laym, vol. 4, on the Eucharist, chap. 4, and as Suarez explicitly teaches in d. 40, sect. 1, and as Cardinal de Lugo confirms in d. 43, sect. 4, no. 38, along with Salm. on the Eucharist, chap. 8, p. 1, nos. 12 and 13, Pal. Dian., etc., and adds (contrary to Sanch.) that if there is doubt about the child's capacity, it can nevertheless be given, although it is not necessary, as Dian and Possev. state apud Salm., loc. cit., no. 14. Those who have committed a mortal sin after receiving Viaticum are not obliged to receive Communion again. Thus, Reg. Fill., Cardinal de Lugo, and others. (With Cone., p. 320, no. 13, and Salm., ibid., no. 9, Suarez, Coninch. Bon., etc. The reason is that nowhere is such an obligation prescribed, since confession

alone is sufficient at that time; however, this is contrary to Sot. Tab. and Arm. apud Salm., loc. cit.). Those who did not receive Communion in the event of mortal danger are not obliged to make it up afterwards. Thus, Bonac, d. 4, q. 7, p. 1, from Henr. Reg., etc., 6. The judge is obliged, in his own right, to allow the accused time to receive Communion, as Suarez, Bonac, and others commonly teach, contrary to Nav. If the accused refuses, the judge can proceed. Fill., vol. 4, chap. 8, q. 11, no. 238. (Otherwise, the accused would be given an excuse not to receive Communion. Sot., Bonac, Reg., along with Salm., ibid., no. 11. See also the statements in no. 247; to which add, as Roncag. states in chap. 6, question 3, reply 1, that Pope Pius V disapproved of the custom of not administering the Eucharist to those condemned to the last punishment; and it should be administered even to those who are not fasting, if necessary. See the statements in no. 285, doubt 3, v. Here.) 294. — Resp. 2. Although Christ did not prescribe a specific time for Communion outside of the event of mortal danger, the Church has determined the Paschal time, which is commonly counted from Palm Sunday to the Sunday in Albis, inclusive; in some places, it includes the entire Lenten season; elsewhere, it is extended by custom or by indulgence, and the confessor can extend it for a just cause, as Sa and others teach. See Bonac, d. 4, q. 7, p. 2.

[*Latin ed. p. 110*]

Wherefore, it is resolved: 1. This precept is fulfilled even by a sacrilegious Communion, as is held by the common opinion, contrary to Durandus and Sylvius. And it is evident, because the Church only commanded the external act; and the end of the precept does not fall upon the precept itself. (However, this has been condemned in proposition 55 by Innocent XI, which stated: The precept of annual Communion is satisfied by a sacrilegious reception of the Lord's Body.) "But truly, is he who has not fulfilled it bound afterward to fulfill both? This is probably defended, although the affirmative opinion seems more probable. Bonac. Suar. l. c. Con. Card. de Lugo, etc. 2. One is not bound to anticipate, if he foresees that he will be impeded during the Paschal season, as Az. t. 4. l. 47. c. 41. and Suar. etc. probably teach, contrary to Vasquez, Sylvius, and Fagundes. But he who has anticipated in this way, and afterward the impediment is removed, would be bound again to communicate, according to Laym. lib. 5. t. 4. cap. 5. Card. de Lugo sect. 4. n. 78, because he has not fulfilled the precept obliging him to Communion, and for that time. However, Diana denies this, citing Fernand and Suarez, 295. — It is questioned: During what time are the faithful obligated to communicate? There are indeed two precepts concerning this obligation, a divine one, and an ecclesiastical one. The divine precept is derived from John 6:54: "Unless you eat the flesh of the Son of man, and drink his blood, you will have no life in you." And by this precept, we are bound to receive the Eucharist, not only in the danger of death, as Bus. says,

but also more frequently in life, as Suar. 3. p. d. 69. s. 1. and 3. commonly teach. Cont. Tourn. cap. 7. art. 2. sect. 2. concl. 1. Escob. l. 20. n. 401. with Soto, Con. Bon. and others, from D. Thomas 3. p. qu. 80. art. 11. The reason is, because just as it is necessary to take earthly food frequently to preserve bodily life, so it is necessary to take heavenly food to preserve spiritual life. Indeed, Salm. de Euch. c. 8. p. 1. n. 46. rightly says, with Lugo, Val. P. Soto, Fill. etc., that sometimes, by accident, a man is bound by this divine precept to communicate, perhaps even more frequently in the year, if he considers it necessary to overcome some grave temptation. However, Suarez says that this can very rarely happen, since other remedies, prayers, penances, etc., may suffice for this. In that case, if Communion were necessary, the person, by omitting it, would not sin against that precept, but against virtue, against which he is suffering temptation. However, it is certain to all that, speaking by itself, everyone fulfills this precept by communicating once a year. The ecclesiastical precept is derived from the Council of Diana Veteranorum IV. Although there was formerly an obligation to communicate at least three times a year, namely at Easter, Pentecost, and the Nativity of the Lord, as Fabianus decreed.

[*Latin ed. p. 111*]

The Pope, in canon 16 of the De Consecratione, dist. 2, states that the faithful today are obligated to receive Holy Communion at least once per year during the Paschal season, as is evident from chapter "Omnis" on penance and remission, where it is said: "Every person, of either sex, after reaching the age of discretion, must confess at least once a year... and should reverently receive the Sacrament of the Eucharist at least at Easter; unless, perhaps, by the advice of his own priest, and for a reasonable cause, he is excused from such reception for a time; otherwise, both the living and the dead shall be excluded from the Church and deprived of Christian burial." However, this penalty is not incurred unless after a judgment, as say Palaus, page 15, number 14; Viva de pænit. q. 4, a. 3, number 5, and others commonly; and this is gathered from the aforementioned text, 296.

I. Is it doubted how the year of this annual obligation of Communion should be calculated? Some believe it should be calculated from January to December, as held by Lugo, d. 46, n. 68, and Palaus, tract. 23, page 20, §. 2, n. 40, with Vasquez. But, according to the common opinion of the Doctors, and the custom received everywhere, the time is calculated from Easter to Easter, because this is considered the ecclesiastical year. Therefore, Suar. d. 36, s. 3, n. 8; Laym. l. 5, tr. 6, c. 5, n. 8; Ronc. de pæn. c. 4, q. 4, r. 4; Bon. d. 5, q. 5, p. 4, n. 49, with Azor, Henr. Sylv. and Salm. de pænit. c. 7, p. 4, n. 38, with Sa, Fill., Reg. and others commonly. The Paschal season begins on Palm Sunday and ends on Low Sunday, according to the declaration of Eugene IV in the bull, Fide digna, in the year 1440. However, by custom, necessity, or privilege, more time may be granted, as stated in Cont. Tourn.

de præc. Eccl. cap. 5, v. Quær. 2; Lugo, d. 16, n. 62; Pal. par. 15, n. 2; Salm. de Euch. c. 8, p. 2, n. 17; and Ronc. c. 6, qu. 5, 297.

II. Is it feared that those who omitted Communion at Easter should be compelled to receive it immediately? Three opinions exist. The first opinion is the more common one, to which I subscribe, and which is held by Nav. c. 12, n. 45; Suar. d. 70, sect. 1, v.; I say, Lugo, d. 46, n. 65; Gonet, t. 6, p. 340, v.; Preter, Pal. p. 15, n. 7; Cont. Tourn. loc. cit. v. Qu. 3; Bened. XIV, t. 3, Edict. p. 42; Antoine, p. 482, n. 8; Elbel, t. 3, p. 103, n. 127, with Henno, Salm. ibid. n. 21, with Laym; Con. Bonac. and Vasq.; and Croiæ, l. 6, p. 4, n. 644, with Azor, Sylvest., Hurtad., Aversa, etc., absolutely affirms, both from ecclesiastical and divine law. From divine law, because, although Christ did not determine this precept of Communion, He left it to the Church to determine, which subsequently determined that it should be observed at least once a year, as say Suar. d. 70, sect. 1, in fine; Gonet, l. c.; Pal. p. 15, n. 4; Bon. q. 6, p. 3, n. 9; Lug. n. 28; Cont. Tourn. de Euch. cap. 7, art. 2, sect. 2, concl. 2; Croiæ, n. 599; Antoine, p. 382, n. 8; and Salm. de leg. c. 2, p. 10, n. 462, circa med. From ecclesiastical law, both...

[*Latin ed. p. 112*]

Because the Paschal season is not appointed by the Church to terminate the obligation [to receive Holy Communion], but to encourage it; therefore, when the obligation has already been contracted but not yet fulfilled, it must be fulfilled as soon as possible; furthermore, as Gonet states on page 340, Lugo on page 46, number 65, Palæus on page 45, number 7, Cont. Tourn. in "De 5. præc. Eccl." in the previously cited passage, Salm. in "De Euch." chapter 8, page 2, number 21, etc., the Church has imposed two precepts concerning Holy Communion: one to communicate within the year, and the other to communicate during Easter. This is gathered from the aforementioned chapter, and from the Council of Trent, Session 13, canon 9, which states: "If anyone denies that all the faithful are bound at least each year, during Easter, to communicate according to the precept of Holy Mother Church, let him be anathema." The phrase "at least each year, during Easter" implies that if Holy Communion was omitted during Easter, it must be fulfilled as soon as possible before the year ends. Lugo, number 66, and Bernal, apud Croicœ, number 644, state that if someone omits to communicate during Easter, he does not sin as long as he postpones receiving Holy Communion when an opportunity is presented, but he does sin if he omits to receive it within the year; because then the precept of communicating during Easter can no longer be observed; therefore, only the obligation of the other precept, to communicate at least once a year, remains. However, it is more probable that Cont. Tourn., ibid., Azor, Suar., etc., and Croicœ, loc. cit., with Vasq. Aversa, etc., are correct, because, as the authors of this first opinion commonly state, this precept of communicating during Easter is not given to terminate the obligation, but to encourage

it. A second opinion, held by Armilla and Tabiena apud Suar., part 70, section 2, and by Alii, and Renzit., 2, page 547, question 3, distinguishes and states that if someone omitted Holy Communion out of malice, he is not obligated to communicate as soon as possible, because he has already transgressed the precept that is attached to the Paschal season; however, he is obligated if he was prevented by infirmity, because in that case, the Church is presumed to have consented to a delay, but not to exempt the person from the obligation of Holy Communion. A third opinion absolutely denies that the person is obligated to receive Holy Communion that year, whether he omitted it out of malice or out of infirmity; this opinion is held by several grave authors, as Sot. in 4, d. 48, question 1, article 4, Sav. Euch., Tol. book 6, chapter 48, number 3, and also by Sylv. Val. Med. Vict. and Led. apud Dian., part 3, treatise 4, response 41, and Palæus considers it probable on page 45, number 6, Busemb., as mentioned above, and Bonac., page 2, number 19, with Henricq. and S. Anton., who teach it absolutely in part 2, title 9, chapter 9, section 3, where, speaking of this case, he says: "It does not seem to be required, as is clear from similar cases." If someone omits the fast prescribed by the Church, does anyone say that he is still obligated to make it up on another day? And the same is true of the violation of feast days, the omission of Mass, and other things; for if this were true, that one would be obligated to fulfill many penances as long as he committed sins against one precept, and thus the Church would lay snares for souls, which is not the case. See chapter 27.

[*Latin ed. p. 113*]

1. The reason for this opinion is that the precept of Communion is attached to the Paschal time, just as the precept of fasting is, and the precept of hearing Mass is attached to vigils and feasts. Therefore, just as one is not obligated to fast or hear Mass after the vigil or feast has passed, so too is one not obligated to receive Communion after the Paschal time has passed. Unless, that is to say, (and this must certainly be excepted) one is prevented from receiving Communion by the advice of a confessor, as Salm. n. 19, Pal. n. 3, and others commonly hold; for this is expressly cautioned against in c. Omnis, as mentioned above. However, the authors of this opinion deny that there are two precepts: to receive Communion in the year, and to receive Communion during the Paschal season; but they say that the Church has imposed only one precept, attached to the Paschal time, and that once that time has passed, no obligation remains to receive Communion. They also deny that there is a divine precept to receive Communion once a year; for although there is an obligation to receive Communion more frequently in life, they say that the precept to receive Communion once a year is purely ecclesiastical; just as the precept to honor God more frequently is indeed, by divine law, but the obligation to hear Mass on Sunday, as prescribed by the Church, is purely ecclesiastical, as they themselves maintain in Salm.

de 3. præc. c. 4. p. 4. n. 38, along with Soto, Cajetan, St. Antoninus, Azor, Navarrus, Suarez, Patissius, and others, citing D. Thom. 2. 2. q. 122. art. 4. ad 4, where he says: "It should be said that the observance of Sunday in the new law succeeds the observance of the Sabbath; not by the force of the precept of the law, but by the constitution of the Church, and the custom of the Christian people." See other statements in l. 4. n. 265. Among the authors of the second opinion, I find no one who adequately responds to this comparison; therefore, this third opinion should not be disregarded, at least because it is based on neither a divine nor an ecclesiastical precept, and therefore the obligation to receive Communion after the Paschal time does not arise. However, despite this, I do not wish to depart from the first opinion. Tamb. n. 38, along with Diana, says that if someone receives Communion before the Paschal time, foreseeing an impediment to receiving Communion during the Paschal season, with the intention of fulfilling the precept for that year, and if, after that, the impediment ceases, he is not obligated to receive Communion during the Paschal season. But this is rightly not admitted by Lugo d. 46. num. 77, Palaus p. 15. n. 18, Salm. de Euch. c. 8. p. 2. n. 22, in fin., and Antoine c. 2. q. 1. r. 2, because intention cannot effect that an act performed at a time when the obligation has not yet arisen, is sufficient: just as one who foresees that he will be prevented from hearing Mass on Sunday, and hears Mass the day before with the intention of fulfilling the obligation for the next day, certainly does not fulfill it. This is confirmed by the Rituale Romanum de Euch., where it is said: "Even to parochial farmers who have received Communion outside the prescribed Paschal days, the pastor shall offer and administer it on the Paschal days." 298. — Question III: Is one who is unable to receive Communion during the Paschal season obligated to take precautions?

[*Latin ed. p. 114*]

The first opinion denies this, and it is held by Suar. d. 70, sect. 2, at the end; Holzm. t. 4, p. 347, n. 57; Bus. as above; Tamb. Meth. Comn. c. 4, §. 4, n. 37; Bon. d. 4, q. 6, p. 2, n. 45, with Coninch. Fill. Reg. Molf. and Renzi with Azor, Vasq., etc. The reason is the same as that given by the authors of the third opinion in the preceding question, namely, because this precept is attached to the Paschal season, in which there is no obligation until it has begun. The second opinion, which is held by Laym. c. 5, n. 9; Lugo d. 16, n. 75; Pal. p. 45, n. 8; Habert t. 5, p. 599, q. 5; Elbel t. 3, p. 103, n. 127; Croix l. 6, p. 4, n. 642, and Antoine p. 483, n. 9; Salm. cited, n. 22, and Cont. Tourn. de præc. Eccl. cap. 5, v. Quær. 4, states that if Communion is not to be deferred beyond one year from the last Communion received, one is not obliged to anticipate it, since the previous Communion was not fulfilling the Paschal precept, and leaves the same obligation. On the other hand, if it should be deferred beyond one year, then one is obliged to anticipate Communion, both by the divine precept of communicating once a year, in the manner de-

termined by the Church; and also by the precept of the Church itself, which imposes two obligations, namely, to communicate within the year, and to communicate during the Paschal season, as stated above. Therefore, if the obligation to communicate during the Paschal season cannot be fulfilled, at least the obligation to communicate once a year must be fulfilled. This second opinion, considered in itself, seems to me to be very probable; but it must be noted that it proceeds only according to the opinion of those who say that the obligation of this annual Communion begins in January and ends in December. But since the common opinion of others, and confirmed by the universal practice of the faithful, as we have said in n. 296, is that this obligation extends from Easter to Easter; hence, it seems that there is no obligation to anticipate for one who foresees that he will not be able to communicate during the Paschal season, because (as P. Suar. rightly points out in the cited work) such a Communion would not be fulfilling the precept; for at the time it is made, the time of obligation has not yet begun, since the time for the annual Communion has not yet begun. Conversely, it is certain that, once the Paschal season has begun, if anyone foresees that he will be prevented from receiving Communion, he is obliged to receive it then, as commonly taught by Suar. Sa, and Bon. with Salm. de Euch. c. 8, p. 2, n. 23, 299.

IV. Are the faithful obliged to remove impediments in order to fulfill the precept of annual Communion? Commonly, Lugo d. 16, n. 47; Croix. l. 6, p. 4, n. 626; Tamb. c. 4, §. 4, n. 40; Salm. de censur. c. 3, p. 7, n. 74; Diana p. 5, tr. 9, r. 78; Viva q. 4, a. 2, n. 10, with Laym., teach that an excommunicated person is obliged to obtain absolution in order to be able to fulfill the precept; because Communion greatly contributes to the salvation of the soul, and therefore the precept strictly obliges to remove the spiritual evils that stand in the way. However, Tamb. and Viva in their works state that those detained in prison are not obliged to seek their freedom in order to communicate.

[*Latin ed. p. 115*]

It is more probable that they contradict Salm, loc. cit., since it is more probable that this is a divine precept, according to the statements in nos. 297 and 300. — "Resp. 3. Every person is bound to receive Holy Communion in the parish assigned to him by his pastor, unless he is dispensed from this obligation by the pastor's permission, privilege, or custom." Nav. Suar., d. 72, sect. 2, etc. "(From chap. Omnis, on penance and remission. See statements in nos. 295.) 1. The priest, by celebrating Mass anywhere, fulfills this obligation. Bon., d. 4, q. 7, p. 2. "(As is commonly stated by the custom, Wigandt, tr. 42, n. 48; Ronc., c. 6, q. 7; Antoine, p. 482, n. 3; and Salm., de Euch., c. 8, p. 2, n. 29, with Sa, Pal., etc. Understand that, if they celebrate Mass, they are also bound to receive Holy Communion in the parish, just like other lay people.) 2. Pilgrims and vagrants, who do not have a parish

or are absent from it, are exempt. Bonac., loc. cit. "(And they are absent in such a way that they cannot conveniently access it. Nor are they bound to receive Holy Communion in the parish church of that town, nor in the parish in which they are staying, as Sanchez de matrim., lib. 3, disp. 23, n. 47; Salm., ibid., n. 31. See statements in n. 240, v. 9. If it is during Easter, and so on.) 3. Lay people who serve in religious orders are not exempt, as stated by Sa, v. "Euch.," unless, as Bon. says, they live in monasteries or other places exempt from the care of parish priests. See Sanch., de matr., d. 32, n. 42." (See statements in n. 240, v. 10. If they are.) 4. He does not fulfill this precept who, during Easter, receives Holy Communion outside the parish without the consent of the pastor, as stated by Navar., Azor, and others. "Unless, however, he receives Holy Communion in the cathedral church: in this case, Bonac. believes that he fulfills the precept." But Card. de Lug. negates this, "unless the Bishop expressly or tacitly consents." (But I do not know if Bonac.'s opinion is probable, unless there is some common practice that would imply the Bishop's consent, because the sheep must be recognized by their own pastor.) "See above, c. 2, d. 1, art. 1, cases 7, 8, and 9. I said 'without the consent of the pastor,' because, with the consent of the Supreme Pontiff or the Bishop, or the Ordinary, or his vicar general, or the parish priest (for all these are understood as the pastor), it is conceded that one fulfills the precept by receiving Holy Communion outside the parish. Indeed, an interpretative or presumed consent is sufficient." (Provided there is moral certainty of the pastor's will, as stated by Salm., de Euch., c. 8, p. 2, n. 34, with Suar., Lugo, Diana, and Tamb.) "Tamb. notes in de exp. com., c. 4, §. 4. Moreover, Bon. in theol. mor., p. 1, t. 5, q. 49, Beja, and indeed others apud Tamb., loc. cit., and de Lugo, d. 48, s. 2, n. 49, as well as Diana, p. 2, t. 14, r. 73, and p. 6, t. 7, r. 58, believe that it is possible to fulfill the precept of Holy Communion (especially outside the day of Easter) among the Mendicant orders, by a privilege granted by Nicholas V, Pius V, and Paul IV, that others may participate. But this is commonly denied by others. See Avers., q. 10, sect. 4.

[*Latin ed. p. 116*]

When, as mentioned above, those in Diana Veteranorum, Beja, Rodr., etc., according to Escobedo, book 20, number 441, believe that the faithful can properly fulfill the precept by receiving Communion in the churches of the Regular clergy, by virtue of privileges granted by the aforementioned Pontiffs to the monasteries of St. Jerome. However, Croix, book 6, page 2, number 631, and Salm, cited number 34, along with Rugo, Fagius, Tamburini, and others, rightly condemn this. They state that no one can fulfill the precept of Communion in the churches of the Regular clergy unless with the certain permission of the parish priest; similarly, Suarès, *De Relationibus*, treatise 10, book 9, chapter 3, number 6; Bonaventure, *Doctorum Quattuor*, book 4, page 1, number 42; and Escobedo, number 443, along

with Villalobos, Nugno, Fagius, etc., who cite the Declaration of the Holy See from the year 1586, found in Farinac, *Tractatus de Concilio Tridentino*, session 13, canon 9, where it is stated that those who receive Communion in the churches of the Regular clergy do not properly fulfill the precept. Nor do these privileges (of which Busenitz speaks) hold, for as the aforementioned authors state, since the Pontiffs have often declared that the right of the parish priests must always be respected concerning obligatory Communion, neither the aforementioned monasteries of St. Jerome, nor other religious orders, have ever used these privileges except for their own members. Therefore, Escobedo, in the same place, believes that the opposing opinion is not practically probable. And indeed, our opinion seems to be approved by common custom.

Baptized children, of the age of reason and who perpetually love the Eucharist, truly perceive an increase in grace by receiving it, because this sacrament, when received with grace, suffices to perceive its effects. Thus, Suarès. See Council of Palencia, Laym, with Salm, *De Eucharistia*, chapter 7, page 1, number 6. However, for a greater reverence of this sacrament, the Latin Church rightly forbade it to be given to young children, as is stated in the common sense of the Church, according to St. Thomas, part 3, question 80, article 9, ad 3. See the Roman Catechism, number 62, and the Roman Ritual, *De Eucharistia*.

The question arises: Can children, as soon as they have the use of reason, receive and should they receive Communion? The first opinion affirms this, and St. Antoninus holds this view, *Summa Theologica*, title 3, book 14, chapter 42, section 5, where he says: When (a child) is capable of deceit, that is, when he can sin mortally, then he is obligated by the precept of Confession, and consequently, by the precept of Communion, which are given together. Sanctius, *Doctorum Quattuor*, book 26; Pallud; and de la Crux, according to Escobedo, book 20, number 243, also say this. Diana, page 3, treatise 6, reply 70, with Taborda, considers this probable, because since such children are already capable of committing mortal sin, and of preparing themselves for absolution through due sorrow, they also become capable of receiving Communion, for which a lesser degree of reason is required. The second opinion, however, which is the most common and more probable, denies this, and this is taught by Suarès, *De Relationibus*, book 70, section 4, and Navarret, chapter 21, number 57; Laym, chapter 4, number 3; Escobedo, number 344; Palencia, page 10, number 41; Antoine, page 491; and Croix, book 6, page 2, number 646; Salm, ibid., number 16, along with Vasquez, Soto, Fillon, Dicastillo, and Diana, in the same place, with Tolosa, Council of.

[*Latin ed. p. 117*]

The theologians Tann, Salas, and others, as they assert, hold this opinion. The reason is that the common understanding of the Church interprets the

obligation of this precept in two ways: firstly, so that children may receive the Eucharist with greater reverence and benefit; and secondly, so that they may not easily be exposed to the danger of transgression. And although they are obligated to confess, they are not therefore obligated to receive the Eucharist, which is of greater excellence and not of such necessity. Nor does the passage in chapter 12 of the book on penance, which states that every faithful person, after reaching the age of discretion, is obligated not only to confess but also to receive communion, present an obstacle; for the age of discretion is to be understood with respect to the matter in question: namely, when someone has reached the age of discretion for confession, they are to confess, and when they have reached the age of discretion for communion, they are to receive communion. But it should be noted that among those who favor this opinion, some, such as Vasquez, Hurtado, and Granado, as cited by Escobar, number 242, hold that such children are neither obligated nor capable of receiving communion, because, as they say, the Eucharist cannot be given to those who are not capable of receiving it worthily. Others, such as Suarez, in the work cited above, and Soto, Laym, Palafox, and Croix, in the works cited above, more plausibly say that although children are not obligated to receive communion immediately after reaching the age of reason, they are not forbidden to approach the Eucharist, provided that they know how to distinguish this heavenly food from the profane; for, as St. Thomas says (3d part, question 80, article 9, ad 3): "Because they are capable of conceiving some devotion, this sacrament should not be denied to them." This is also confirmed in chapter 26, question 6, where it is said: "To one to whom the sacrament of penance is granted, the sacrament of the Eucharist should not be denied, if he desires it." However, it is debated when children are considered obligated to receive communion. Soto, as cited by Suarez, and Corduba, as cited by Palafox, hold that this obligation begins at the age of 12; because, as they say, at that age children are obligated to observe the ecclesiastical laws. But this is commonly rejected, as we have said in book 1, title 1, number 155. Hence, the doctors commonly say, speaking generally, that children are not obligated to receive communion before the age of nine or ten; nor should they be prevented from receiving communion beyond the age of twelve; as Palafox, in the work cited above, and Salm, in "De Euch.," chapter 7, number 48, hold, along with Lugat, Dicena, and others; or at least not beyond the age of fourteen, as Suarez, Laym, Wiggan, Antoine, and Croix, in the works cited above, say. It should be noted what St. Charles Borromeo prescribed (in the Ninth Diocesan Synod): that pastors should encourage and instruct those who have reached the age of ten in the knowledge of the Eucharist, and teach them how to approach it with reverence. This is said generally, for as the authors point out, children who are more perceptive before that age may be obligated sooner. Therefore, Roncaglia rightly condemns, in chapter 6, rule 5, pastors who do not admit children

to communion indiscriminately, except those who have reached a certain age. Navarret, in chapter 21, number 57, and Croix, in "D. N.," number 646, say that, although children may be admitted to communion at the age of ten, they are not therefore obligated to receive it.

[*Latin ed. p. 118*]

They are to be admitted, but only if they have been warned by the parish priest or by those present. 2. Is the Eucharist to be given to children who are incapable of reason, in case of mortal danger? The answer is no, because there is also the danger of irreverence, and because this is the practice of the Church of Rome. Thus, it is commonly taught by St. Thomas, Cajetan, Suarez, Paleari, Layman, Lugo, etc., as well as by Salmeron in *De Euch.*, chapter 7, page 4, paragraph 7. And anyone who acted otherwise would sin gravely, as noted by Salmeron, ibid., paragraph 8, with Lehmkuhl, who says that such a practice is equivalent to a universal prohibition for the Church. However, children who are already capable of reason can, in articulo mortis, not only be given the Eucharist, as Navar says in chapter 21, paragraph 57, and Cajetan apud Wigand, treatise 42, paragraph 46, but they should be given it, as is commonly taught by Suarez, *dist.* 70, section 4; Lugo, *dist.* 43, paragraph 37; Layman, chapter 4, paragraph 3; Paleari, page 40, paragraph 44; Wigand, *l.c.*; Holzmüller, volume 4, page 345, paragraph 43; and by Dicii, *2. Antoine*, chapter 2, question 4, rule 2; Escobedo, *l. 20*, paragraph 244, and Salmeron, ibid., paragraph 15, with Henry; and the same is taught by Benedict XIV in *De Synod.*, *l. 7*, chapter 42, paragraph 3. The reason is that, on the one hand, children in such danger are bound by divine precept to receive the Eucharist; on the other hand, the Eucharist does not require a greater disposition at that time.

302. — *Query II*. Is the Eucharist to be given to the insane? It is absolutely forbidden to give it to those who are perpetually insane, as all say, following St. Thomas, *3a, q. 80, art. 9*, and as is stated in the Roman Ritual for the Eucharist: "It is not permitted to give the Eucharist to the insane or to those with a deranged mind; however, it may be permitted if they have lucid intervals and show devotion, as long as they remain in that state; provided that there is no danger of indecency." However, for those who are insane, but who have not always lacked the use of reason, but are now lacking it, Gobatus, *t. 4*, paragraph 435, believes that the Eucharist can absolutely be given to them in articulo mortis. But in this matter, the teaching of St. Thomas, *l.c.*, should be followed, which says: "If it appeared in them, when they were of sound mind, that they were devoted to this sacrament, then this sacrament should be given to them in articulo mortis, unless there is a strong fear of vomiting or expulsion." The same is almost taught in the Roman Catechism, part 2, chapter 4, paragraph 63, which says: "It is most important not to administer the sacraments to

the insane, who are at that time estranged from the feelings of piety; although, if, before they fell into insanity, they showed a pious disposition of mind, it is permitted to administer the Eucharist to them at the end of life, according to the decree of the Council of Carthage, provided that there is no danger of vomiting or any other indignity or inconvenience." Therefore, it is sufficient that such a patient has lived piously, as rightly say Paleari, *p. 40*, paragraph 7; Holzmüller, *t. 4*, *p. 345*, paragraph 46; and Salmeron, *De Euch.*, chapter 7, *p. 4*, paragraphs 9 and 40, with Suarez, Vasquez, Concilious, Layman, Bonaventure, Fillon, Hurtado, etc. The reason is that, on the one hand, it is presumed that the insane person is asking for the Eucharist, and on the other hand, the Eucharist may still be necessary for them, especially if they have fallen into insanity while in a state of mortal sin, for which they are only contrite.

[*Latin ed. p. 119*]

It has been: however, the Doctors are found to agree with Salm, ibid., no. 11, that if it is certainly presumed that someone has fallen into such a state of infatuation, and is impenitent, then the Eucharist must not be given. Outside of the article of death, the Eucharist must in no way be given to those who are infatuated, as Salm states, cited above, no. 11, at the end, along with Suarez, Layman, and common opinion, 303.

Question III. When may the Eucharist be given to the semi-fatuous, the mute, and the deaf? It is answered that the Eucharist may always be given to the semi-fatuous, provided they know how to distinguish this heavenly food from other things, only in the article of death, and at the time of the precept. Thus, Holzmeyer, no. 45; Layman, chapter 4, no. 4; Wigand, treatise 42, no. 37; and Salm, ibid., no. 42, along with Pal, Hurtado, Diana, and Henry (contrary to Sanchez and Leander, who allow it as often as they request). The same should be done with the mute and the deaf from birth, provided that it is clear from their signs that they possess discretion, as Layman, Pal, and Salm state, ibid., no. 13. Indeed, Holzmeyer rightly says, no. 50, that if these individuals possess some discretion, they may more often receive Communion. However, the Eucharist must be entirely denied to the mute, the deaf, and those who are blind from birth, as Wigand states, no. 38. To those afflicted with epilepsy, the Eucharist is denied only during a paroxysm, as Holzmeyer states, no. 48, along with Elbel, no. 98, and Layman and Pal. The same should be done with those possessed by a demon, when they are not in their right mind. Furthermore, Salm, ibid., no. 14, along with Suarez, Soto, Bona, Layman, and others, following the teaching of St. Thomas, part 3, question 80, article 9, 2, rightly state that the Eucharist should be given to these individuals several times a year, according to the prudence of the confessor, since it is a special remedy for repelling demons; hence, Cassian (in D. Th., loc. cit.) says: "We never remember to forbid Communion to those who are troubled by unclean

spirits."

CHAPTER III. OF THE EUCHARIST AS A SACRIFICE?

Doubt I. What is the Mass, and what is the obligation of priests concerning it?

404. Definition of the sacrifice of the Mass.

Note I. How is a sacrifice defined in general?

Note II. How are sacrifices distinguished? And how does the sacrifice of the Eucharist contain all of these things? And in what does it differ from the sacrifice of the Cross?

Note III. Is the Mass a true sacrifice?

305. In what does the essence of the sacrifice of the Mass consist?

306. Is the consecration of both species required for the essence of the sacrifice?

307. Who are the offerers in the sacrifice of the Mass?

308. For whom may the Mass be offered?

Doubt 1. For the excommunicated?

Doubt 2. For the infidels?

310. For the deceased?

311. The effects of the sacrifice of the Mass are four:

I. Remission of sins.

II. Remission of penalties.

III. Increase of grace.

IV. Obtaining of benefits.

[*Latin ed. p. 120*]

313 On the value and fruit of the Mass. Does the Mass have infinite value? And does the fruit of the Mass depend on the piety of the celebrant?

318 On the obligation to celebrate Mass, which priests have.

Question 1. Are they themselves bound by a grave precept to celebrate at times?

Question 2. How many times in a year are simple priests bound to celebrate? How many times are parish priests? And how many times are bishops?

314 On the conventual Mass and on which days it should be celebrated.

315 On the obligation to say Masses for the accepted stipend.

316 What should be noted concerning the origin of the stipend?

Question I. Is it permissible for a wealthy priest to accept a stipend for Masses? And does one sin gravely who primarily celebrates for a stipend?

Question II. How does a priest sin by delaying the celebration? And what

delay is considered moderate? What if Masses are offered to a community?

Question III. Does a priest sin gravely by omitting a sacred promise for a small stipend?

Question IV. What if the Masses are promised gratuitously?

318 Is it permissible to accept a stipend for the application of the most special fruit? And is it permissible to accept multiple stipends for one Mass?

319 From whom, and how should the stipend be assessed?

Question 1. Are religious bound to observe the bishop's assessment?

Question 2. Can the bishop prohibit the acceptance of a stipend greater than the assessment?

Question 3. Can the bishop prohibit the acceptance of a stipend less than the assessment? And if someone has accepted less, can they reduce the number of Masses?

Question 4. Is it permissible to negotiate the stipend?

Question 5. How should the stipend for Masses left by a testator be assessed?

321 It is not permissible to celebrate through another, retaining part of the stipend.

Exception I. If the stipend is given with regard to the person.

Exception II. If another priest truly and freely donates part of it.

Exception III. A beneficiary, chaplain, and priest obligated by a legacy left to him are excused.

323

Question 1. Is he who retains part of the stipend bound to restitution? And to whom should it be restored?

Question 2. What about a procurator or executor of a will?

Question 3. Can a collector of alms retain part for his labor?

Question 4. Can Masses of a larger stipend be combined with Masses of a smaller stipend?

Question 5. Can administrators of churches retain anything for expenses?

323 On the obligation of beneficiaries and parish priests to apply Masses.

Question I. To whom should beneficiaries and chaplains of monasteries or confraternities apply Masses? What if the capital of the foundation or the chaplaincy is unproductive?

Question II. On which days are parish priests bound to celebrate for the people?

325 See the decrees of Benedict XIV concerning the Masses of parish priests.

326 Concerning the conventual Mass.

327 On the obligation to celebrate votive Masses promised under a stipend.

338 On the obligation to celebrate Masses at the place and time designated by the founder.

329 What if the bishop grants a dispensation? And can a prescription be made from the obligation of Masses?

330 On the obligation of a beneficiary to celebrate prescribed Masses, and to celebrate them himself.

331 On the reduction of Masses. Can the bishop make such a reduction? And can he regulate offices and alms attached to anniversaries?

332 Can a beneficiary ever celebrate for his relatives or friends, or omit a Mass out of reverence?

333 Is a chaplain who is ill bound to have Masses celebrated by another? Concerning the Gregorian Masses. Is it permissible to accept a stipend for the first Mass that a newly ordained priest celebrates with the bishop? (Referring back to n. 329. See also.)

304. — "The Mass is a sacrifice consisting in the consecration of bread and wine; that is, an act of oblation, which is performed in recognition of the highest..."

[*Latin ed. p. 121*]

The Sacrifice is a sign of God's dominion, and a pledge of our servitude. It is not, however, incompatible with it being offered, secondarily, for another partial purpose, such as to give thanks, to implore a benefit, for the remission of sins, to honor the Saints, etc. It should be noted that, in general, a Sacrifice is: an offering made to God through the alteration of something, as a sign of supreme dominion, according to legitimate institution. Thus, Suarez, Paley, Lamy, and others commonly state. It is called an offering *pro genere*, because it agrees with other offerings in its kind. It is made to God, because sacrifice is offered only to God, and not to the Saints. It is made *per immutationem alicujus rei*, because alteration distinguishes a sacrifice from other offerings. It is a sign of supreme dominion, for by this sign we signify that we and our things can be destroyed by God, as the supreme Lord, just as the offered thing is altered. It is made *ex legitima institutione*: this institution requires three things, namely, that the sacrifice be performed with public authority, in the name of the entire people, and by a priest as a legitimate minister. It should be noted that the Sacrifice is divided, according to its matter, form, and end. According to its matter, it is distinguished into the victim or offering, in which something animate is offered; into the immolation, in which something inanimate, but solid, is offered; and into the libation, in which something liquid is offered. According to its form, it is distinguished into the holocaust, in which all that

is offered is consumed by fire; into the offering for sin, in which that which is offered is partly consumed by fire, and partly by the priest; and into the peace offering, in which that which is offered is partly consumed by fire, partly by the priest, and partly by him who offers it. According to its end, it is distinguished into the latreutic, which is offered merely in obedience to God; the eucharistic, offered in thanksgiving; the propitiatory, or expiatory, for the remission of guilt or punishment; and the votive, for obtaining goods from God. The Sacrifice of the Eucharist, instituted under the law of grace (by which all the ancient sacrifices ceased), perfectly contains all the reasons for those sacrifices: for it is a holocaust in recognition of divine excellence; it is eucharistic in thanksgiving; it is votive for obtaining graces through the merits of Christ; it is expiatory for sins, because through it God is moved to mercy; and it is the sacrifice of the Mass, which is truly the same as the bloody sacrifice of the Cross, not only because the same Person is offered, but also because the formal reason for the sacrifice is the same, when it is offered as a protestation of the supreme dominion that God has over life and death. Therefore, as the Council of Trent says, the Sacrifice of the altar does not essentially differ from the Sacrifice of the Cross, but only accidentally, as regards the manner of offering, namely, because 1. In the Sacrifice of the Cross, there intervened a real death; in this, a mystical one. 2. That offering was made by the very Redeemer in the Ark; this is offered by the ministry of priests. 3. That offering was meritorious, because there the price of our redemption was paid; this, however, is not meritorious, since here only the merits of Christ are applied.

[*Latin ed. p. 122*]

III. It must be noted, and it is a matter of faith, that the Mass is truly and properly a sacrifice, and that Christ instituted it as such, insofar as it pertains to the essence of sacrifice: for, as will be explained below, Christ is mystically immolated through consecration and the reception of the Eucharist, and thus the change necessary for a sacrifice is brought about. See Council of Trent, Session 22, chapter 4, and canons 4, 3, and 4, paragraph 305.

Question: In what does the essence of the Mass's sacrifice consist? This is a significant question, and there are various opinions among theologians.

The first opinion states that it consists solely in the reception of the Eucharist, because in that act alone is found the destruction or change of the victim; thus, Pignatelli in his *Propitiatorium*, Alb. Magnus, Led. and others, as cited by Suarez, 3, page d. 74, section 5, in the introduction.

The second opinion states that it consists in the offering, since sacrifice is nothing other than an offering; thus, Azor, book 40, chapter 49, and Sotus, and Covarrubias, as cited by the Dicastery, book 4, number 142, and Gabriel Echius, etc., as cited by Crocius, book 6, page 2, number 12.

The third opinion, which is more common, teaches that it consists solely

in the consecration; thus, Suarez, book 75, section 5, Gonet, *Manual*, book 6, page 331, *Controversia de sacrificio missae*, chapter 3, article 2, section 2, conclusion 6, Petrocchi, book 3, page 496, Habert, book 5, page 640, response 3, Juenin, book 7, page 366, conclusion 4, Frassen, book 14, page 352, Council, book 8, page 424, number 6, Holz, page 70, number 305, Roncaglia, book 1, question 2, Crocius, book 6, page 2, number 43, and Salmeron, *De sacrificio Missae*, treatise 5, chapter 1, page 2, doubt number 14, along with St. Antoninus, Lugolani, Paleario, Vasquez, and others. The reason is that in the consecration, all that is required for a sacrifice is present, namely, the offering, which is already being exercised in deed, just as Christ offered Himself to the Father, not with words, but with His actions, both at the Last Supper and on the Cross. Also present is the destruction or change of the victim, since, through the power of the words, the body is already separated from the blood of Christ. This opinion is indeed very probable and more common, but I find it to be even more probable.

A fourth opinion (although I adhere to the third), which is held by Bellarmine, book 2, chapter 27, near the end, Tournhem, *Praelectiones theologicae de sacrificio missae*, article 2, at the end, conclusions 4 and 5, Sotus, in book 4, book 43, question 4, Bonaventure, book 4, question final, page 2, and others, as cited by the Dicastery. This opinion states that the essence of the Eucharist consists partially in the consecration and partially in the reception; for in the consecration, the victim is placed, and in the reception, it is consumed.

Reason 1: Because a true and real sacrifice requires a true and real destruction of the thing offered, which is not achieved except through the reception by the priest, by which the sacramental essence of Christ is destroyed.

Objection: It is said that in the consecration, a mystical death is already present, and that a real death is not present, insofar as, due to natural concomitance, the blood and soul of Christ cannot be separated from His body.

Response: But it is answered that if that natural concomitance prevents death, it also prevents sacrifice, which is not consummated without true and real destruction.

Reason 2: If the destruction did not occur through the reception, it would follow that the sacrifice...

[*Latin ed. p. 123*]

It takes place in heaven, not on the altar; for in order for a sacrifice to be offered on the altar, it is necessary that the victim first be placed there whole, and then be destroyed. But when, in the consecration of the bread, the body is separated from the blood only by the power of the words, it follows that the destruction has already been presupposed in heaven, where

Christ remains whole. It does not, however, contradict to say that, although the body is separated from the blood by the power of the words, nevertheless, by concomitance, the whole Christ comes, and therefore, mystically, is destroyed. For it is answered that this would be by accident, not by itself; but if the sacrifice (as the authors of the third opinion maintain) is made by itself by the power of the words, through the separation of the blood from the body, it is necessary that the whole Christ also be placed by the power of the words, before he is destroyed. Furthermore, the very opponents say that, although the reception does not pertain to the essence of the sacrifice, it does pertain to its integrity, so that the priest may partake of what is offered. Therefore, the rubric of the Missal (title 10, on defects, no. 3) warns: "If the priest is seriously ill, or dies after the consecration of the body alone, before the consecration of the blood, or after both have been consecrated, the Mass shall be completed by another priest from the place where he left off; and in case of necessity, even by one who is not fasting." And the same is taught by St. Thomas (3d part, question 83, article 6, ad 1), from the Council of Toledo, VII, chapter 7, question 1, 306.

It is asked: Whether the consecration of both species is required for the essence of the sacrifice. The first opinion denies this, as held by Cont. Tourn. in this chapter, article 3, section 3, conclusion 2, with Major, Adrian, Isambert, etc., and by Bon. d. 4, question ult., page 2, no. 7, with Henry Petigny, Nugno, etc. Croix also supports this view in book 6, page 2, no. 15. The reason is, first, because through the consecration of one species, the whole Christ is placed and offered, and at the same time, the death of Christ is already represented, when only the body without the blood, or the blood without the body, is placed by the power of the words, by which the death of Christ is signified; secondly, because, as others say, in the consecration and reception of one species, the offering and immolation of the victim are already contained, which is sufficient for the essence of the sacrifice. The second opinion, however, which is more common and more probable, affirms this, and it is held by Suar. 3d part, d. 75, s. 6, v.; Dico 2, Tourn., Prel. theol., art. 3; Lugo de Euch., d. 49, no. 106, with the common opinion, as asserted by Pal. ibid., page 2, no. 6, and is favored by D. Th. 3d part, question 80, article 12, ad 3, where it is said: "The representation of the Lord's Passion is accomplished in the very consecration, in which the body without the blood should not be consecrated." Therefore, the reason is, because the sacrament of the altar ought to be a memorial of the bloody sacrifice which Christ performed on the cross, as declared by the Council of Trent, session 22, chapter 1, where it teaches that Christ offered his body and blood under the species of bread and wine, so that... he might leave to his Church a visible... sacrifice, by which that bloody sacrifice, once accom-

plished on the cross, might be represented. Therefore, if only one...

[*Latin ed. p. 124*]

The species should be consecrated, even if, by the force of the words, the body were to be rendered without blood, or even if, through reception, there were to be a shedding of blood, nevertheless the effusion of blood is not expressed, which does not occur except through the consecration of both species, by which the separation of the blood from the body is properly signified, according to what Saint Cyril says: "By the sword of words, the blood is separated from the body." Here, it must be noted what is found in the Rubric of the Missal (title 4): If the material that should be added cannot, by reason of a lack of bread or wine, be obtained in any way, if this occurs before the consecration of the body, the rite should not proceed further; if, after the consecration of the body, or even of the wine, a deficiency of the other species is discovered, after one has already been consecrated, then, if it cannot in any way be obtained, the rite should proceed, and the Mass should be completed, but in such a way that the words and signs pertaining to the deficient species are omitted. If it can be hoped that the missing species will be obtained after some time, it should be waited for, so that the sacrifice may not remain imperfect. From this, Gavantus and Azor note (l. 40, c. 35, q. 6) that, if the deficient species can be obtained with great difficulty, and this would cause offense to the people, the Mass should be completed, because the natural right of avoiding scandal prevails over the divine positive law of completing the sacrifice.

It is a matter of faith that Christ the Lord is the principal priest offering in the sacrifice of the Mass, as is commonly held by the Doctors, with Saint Thomas (q. 83, art. 1, ad 3), from the Council of Trent (session 22, c. 2). After Christ, the ministers of this sacrifice are the priests, who alone have the power to consecrate and offer the body and blood of Christ; and they consecrate, even if they are heretics, excommunicated, etc. (Council of Trent, session 23, c. 1). The entire Church is also said to offer the sacrifice through the priest, as many say in Croice (l.c., n. 49). After the priests, all the faithful offer the sacrifice mediately through the hands of the priest, in three ways: 1. In a general way, namely, through the priests, who, by offering the sacrifice as public ministers, are said to offer also for any faithful person. 2. In a more special way, by requesting that the priests celebrate for themselves. 3. By assisting at the sacrifice.

It is also certain that this sacrifice can be offered for all baptized living faithful, even infants, or those possessed by demons, or unexcommunicated sinners, as far as the fruit of intercession is concerned. However, in order to avoid excommunicated persons, a priest may licitly offer Mass privately, inasmuch as it is an act proper to his private person, but not in the name of the Church, or as a minister of Christ (c. 2, de sent. excom.). Although, if he offered it as a minister of Christ, he would offer it validly,

but illicitly, as Croice notes (n. 33), Salm. (tr. 5, c. 2, p. 2, n. 14, in fin., with Suar. Nav. Dic.).

But it is doubtful 1. whether a priest can licitly pray, or offer Mass in the name of the Church, or as a minister of Christ for a tolerated excommunicated person? Suarez, Bonaventure, Soto, and others, with Salm. (ibid., n. 49), deny this, because, they say, the Church excludes excommunicated persons entirely from communion.

[*Latin ed. p. 125*]

Regarding the communication of suffrage; the Council of Constantiense, in Extravagant Martialis V, granted nothing to the excommunicated, but only favored others, so that they might be able to communicate with those who have been tolerated. However, it is more probable that the opposite opinion is held, as Lugo states in Disp. 19, n. 187, Croia, no. 34, with Sanch. Nav. Con. etc. The reason is that in the aforementioned decree, although nothing is granted to tolerated excommunicates, it is nevertheless permitted for the faithful to communicate with them, even in the sacred rites, according to what is said in Censura, l. 7, n. 164.

A second question arises: Can the Mass be offered for infidels? Vasquez, Soto, Leander, Palearius, etc., deny this, as cited by Salm, ibid., n. 18. For, as they say, the effect of the sacrifice cannot be communicated to those with whom the sacraments cannot be communicated. However, it is more probable that Lugo, in Disp. n. 173, and Bellarmine, Suarez, Salm, Laym, etc., with Salm, ibid., n. 19, affirm the contrary. This is because, in the Old Law, the Jews were accustomed to offer sacrifices for the Gentiles, as in 1 Maccabees, chapter 12, verse 11, for the Spartans, where it is written: "We remember you in the sacrifices which we offer; and we fear." For, when one celebrates in this manner, he is more conformed to Christ, who offered Himself for all.

Regarding the offering of the Mass for the dead who are in Purgatory, it is certain that it is licit and useful to offer the Mass, as taught by D. Thomas, Suppl. q. 71, art. 9, and as is established by the Council of Trent, session 22, chapter 2, where it is said that the sacrifice of the Mass is offered not only for the sins, punishments, satisfactions, and other needs of the living faithful, but also for the dead, according to the tradition of the Apostles. And again, in canon 3, it is stated: "If anyone should say that the sacrifice of the Mass serves only those who partake of it, and that it should not be offered for the living and the dead, for sins, etc., let him be anathema."

A further question: Does the Mass benefit the dead through the infallible promise of Christ? Canus, Soto, and Corduba deny this, as cited by Salm, tract. 5, c. 2, p. 3, n. 24. But it is truer, and more commonly affirmed, by Suarez, Disp. 79, s. 10, and by Salm himself, ibid., with Az. Nav. Hen. Dic. P. Soto, Fag. Philib., etc. The reason is that, since it is a matter of faith (as we have seen from the Council of Trent) that the Mass is offered usefully

for the dead, this cannot be done except through the opus operato, that is, through the promise of Christ, which is found in the words of Matthew, chapter 26, verse 28: "For this is my blood of the new testament, which shall be shed for many unto remission of sins." This is confirmed by the words of the formula with which priests are ordained: "Receive power to offer sacrifice to God, and to celebrate the Mass, both for the living and for the dead, in the name of the Lord. Amen."

A final question: Does the Requiem Mass benefit the dead more than a Mass for the Saints? St. Thomas, Suppl. qu. 71, art. 9, ad 5, responds: "From the part of the sacrifice offered, it benefits the deceased equally, whether it is said for any reason; but from the part of the prayers, it benefits more when those prayers are specifically directed to that end; but this deficiency can be compensated by greater devotion, either from the one who says the Mass, or from the one who commissions it."

[*Latin ed. p. 126*]

To say, or again through the intercession of the Saint, whose support is implored in the Mass. 344. — Concerning the effects of the sacrifice of the Mass. 4. One effect is the remission of sins, concerning which it is inquired whether this sacrifice directly remits mortal sins in the contrite person, like a sacrament of penance? Cassalius affirms this in book 2, on the Mass; but the opposite should be held, namely, that the Mass does not, of itself, have the certain power to remit mortal sins directly, but only to obtain help for penance, through which they are remitted, as commonly taught by Bellarmine in book 2, on the Mass, chapter 4; Tournhem, Theological Lectures on the Sacrifice, article 5; Suarez, d. 79, sections 3 and 4; Holzhauser, n. 330; Roncaglia, book 1, question 3, canon; Council of Trent, session 22, chapter 2, paragraph 428, number 8; and Salm, treatise 5, chapter 3, page 1, number 3, with Navar, Cajetan, Azor, Palearius, and others, etc. St. Thomas, in 4th part, distinction 12, question 2, article 2, states that the Mass destroys mortal sins, not as a proximate cause, but insofar as it obtains the grace of contrition. And this is proven from the Council of Trent, session 22, chapter 2, where it is said: "By the offering of this sacrifice, the Lord is appeased, and grants the grace and the gift of penance, remitting crimes and sins, even grievous ones." Therefore, God is immediately appeased in view of this sacrifice, and then is moved to grant the gift of penance, through which sins are immediately remitted. This is confirmed by reason, because the sacrifice of the Mass is offered by Christ, the supreme priest, who now cannot satisfy, because He is not a traveler, and therefore cannot merit, but only Himself obtains graces for us by interceding for us. The same should be said of venial sins, as St. Thomas states in book, chapter, question 1, ad 4; and Holzhauser, Roncaglia, Council of Trent, Suarez, Council of Lyons, Palearius, Vasquez, and Salm, ibid., number 8, against Canons and Valentia, who wish venial sins to be remitted by themselves through the

virtue of the sacrifice. Because, since venial sins are certain blemishes of the soul, contracted by one's own will, they are not removed without a pious action of the mind, which is contrary to those venial sins. II. The effect of this sacrifice is to immediately remit the penalties of sins for just people, for whom it is offered; thus, Suarez, d. 79, section 6; Palearius, page 6, number 7; Council of Trent, page 429, number 14; Wigand, treatise 12, number 31, reply 4; and Salm, ibid., number 44, with Gonet, Council of Trent, Navar, Laym, Gabrel, etc., etc. St. Thomas, 3rd part, question 79, article 5, states that this sacrament, insofar as it is a sacrifice, has a satisfying power. And it is clear from the Council of Trent, session 25, chapter 1, where it is said: "The souls detained in purgatory are helped most of all by the prayers of the faithful, and especially by the acceptable sacrifice of the altar." But the deceased cannot be helped in any other way than by the immediate remission of penalties. III. The effect is an increase of grace. Concerning which it is inquired, whether the sacrifice of the Mass, by its very nature, confers this increase? Leander, Cardinal, and Manchus affirm this. But it should be denied, as Suarez, d. 79, section 4; Palearius, page 6, number 5; and Salm, treatise 5, chapter 3, page 1, number 43, state, citing Vasquez, Lugat, Hurtado, Bona, and others commonly, because there is no foundation for this anywhere. Therefore, it is more correct to say that through the Mass...

[*Latin ed. p. 127*]

I. Aids are obtained to perfect actions, by which grace increases. IV. The effect is the attainment of spiritual goods, and also of temporal goods, insofar as these are beneficial to the soul, according to the Council of Trent, Session 22, chapter 2. See Salm. ibid. n. 15. 312. — "The principal fruit of the Mass, arising from the action performed, is independent of the probity of the priest, by whom, for all, whether living or deceased, it is applicable, even if a stipend is received; and it is an act that is both intensely and extensively limited; for although the Host itself, and the principal offerer, that is, Christ, are infinitely pleasing to God, and God is thus affected by this sacrifice with infinite honor, it seems to be the will of Christ that it be offered, and that it be efficacious only to a certain, and limited effect. This is also evident from the usage and sense of the Church, since Masses are repeated for the same intention: which is a sign that it does not have an infinite effect. See Bonac. d. 4. q. ult. p. 4. Note 1. There is a difference between the value and the fruit of the Mass. The value is that efficacy which the Mass possesses, by reason of the dignity of the offerer and of the thing offered, to confer benefits upon the offerer and those for whom it is offered. The fruit, however, are the benefits themselves, which God confers in view of the sacrifice. Therefore, the value differs from the fruit, like a cause from an effect. Note 2. The fruit of the Mass is distinguished in three ways: it is distinguished 1. by the part of the cause, that is, by

the action performed and the action of the one performing it. The fruit arising from the action performed is that which is conferred in view of the merits of Christ and His promise; the fruit arising from the action of the one performing it is that which is conferred in view of the merit and devotion of the celebrant. It is distinguished 2. by the thing itself, into meritorious, satisfying, and impetratory, as mentioned in the preceding paragraph 314. It is distinguished 3. into general, special, and most special. The general fruit extends to all the faithful, living and deceased. The special fruit (which others call intermediate or ministerial) extends to those for whom it is applied, as well as to those assisting and those who cooperate by providing vestments, lights, hosts, etc. Finally, the most special fruit extends only to the priest. A very important question, which is greatly debated among Doctors, is whether the sacrifice of the Mass has an infinite value? There are two opinions: The first says that it has a value that is both intensely and extensively limited, so that the more it is applied to many, the less it benefits each individual, compared to if it were applied only to one. Thus, as stated above, Bus. Scotus, quodlib. 20. n. 20, S. Bonav. in 4. dist. 55. art. 3. q. 3. ad ult., Ronc. c. 7. q. 7. r. 2, also Palud. Rich. Major. Barb. Covarr. and Fag. ap. Salm. tr. 5. c. 3. p. 3. dub. unic. n. 38. expressly teach Sotus in 4. dist. 43. q. 2. a. 4, where he says: "To the intention (of the priest), which is of the essence of the sacrifice, even from the action performed, there corresponds a certain and fixed degree of satisfaction, and therefore, the more it is distributed among many, the less it benefits each individual." However, the authors of this opinion use different reasons—

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Some argue that the value of the Mass is not derived from the thing offered, but from the very offering itself, or from the action of the priest who offers, which certainly cannot be of infinite value. They claim that in the sacrifice of the Mass, Christ is not properly offered, but only remotely, insofar as He instituted that it be offered through priests. However, this reasoning is commonly rejected, and rightly so, firstly because, just as a sacrifice offered by a wicked priest is not polluted by his wickedness in the same way, as taught by the Council of Trent, Session 22, chapter 4, so neither does it receive a limitation from the one who offers, if that one is limited. Secondly, because it is certain that in this sacrifice, Christ is both the victim and the principal offerer, as is clear from the Council of Lateran, IV, canon 3, where it is said: "In the Church, Christ Jesus is both priest and sacrifice." And more clearly from the Council of Trent, Session 22, chapter 2, where it is stated: "For it is one and the same sacrifice, the same now offered through the ministry of priests, as He Himself offered then on the cross, differing only in the manner of offering."

Others use this reasoning: although the Mass, in itself and in its sufficiency, is of infinite value, yet in its effect, it is limited by the will of Christ,

who instituted this sacrifice so that it would produce a determined effect through the work accomplished (independently of human disposition), or a degree of satisfaction which, although it may increase according to the greater devotion of the one offering, or of the one for whom it is offered. And this opinion seems to be favored by St. Thomas in the 4th part, distinction 45, question 2, article 4, question 3, ad 2, where he says: "Although the power of Christ, which is contained in the Sacrament of the Eucharist, is infinite, the effect to which that sacrament is ordained is determined." Hence, the Saint says in the 4th part, question 2, article 5.

But, conversely, a less probable opinion is inferred, which asserts that the prayers offered for one person do not benefit him more than they benefit others who are more deserving, saying thus: "Therefore, if a sacrifice offered for many only benefits each one as if it were offered for him alone, it seems that the Church should not have instituted that prayers or Masses be offered for a particular person, but that it should always be said for all the faithful departed, which is clearly false." The reasoning for this opinion is proven by the prohibition of the Church, which forbids that a single sacrifice should suffice for multiple people requesting it. Hence, the priest who receives stipends from many cannot offer a single Mass for them, which he certainly could do, if the Mass benefited all equally as it would one; but this was prohibited by Alexander VII in proposition 40, which stated: "It is not contrary to justice to receive a stipend for multiple sacrifices, and to offer a single sacrifice."

The second opinion, which is most commonly accepted today by modern theologians, teaches that the value of the Mass is infinitely both intensive and extensive in its sufficiency, due to the infinite dignity of Christ, who is both the victim and the principal offerer in this sacrifice. It is said to be infinitely intensive, insofar as it can cause a greater or lesser effect, according to the measure of a person's disposition. And it is infinitely extensive, insofar as it can have infinite effects.

[*Latin ed. p. 129*]

It produces and benefits both one and countless people. The reason is that, as the Council of Trent teaches, the Mass is the same sacrifice as that of the Cross, offered in a different manner, and it possesses infinite value. However, with regard to its effect, this sacrifice is said to be finite, not because of its institution, as some maintain, since Christ determined a certain degree of satisfaction in it, but because of the finite capacity of the people for whom it is offered, each of whom receives a greater or lesser benefit according to their own and the offerer's disposition; just as the sacrifice of the Cross, although in its essence possessing infinite value as a means of satisfaction, does not operate with an infinite effect in us, but rather through a universal, supernatural power that operates according to the disposition of the subject. This is also true of the sacraments, which, although possessing

infinite power, operate in a limited way in practice. Therefore, according to this view, the Mass benefits each individual equally, whether it is applied to many or to just one. This is the view held by Gonet, Man. vol. 6, p. 336; Habert, vol. 5, p. 671; Juenin, vol. 7, p. 375, conclusion 4; Peter, vol. 3, p. 512, question 8; Pignat, in his *Propitiatorio*, book 4, question 41; Tourn, *Præl. theol. de sacrif. miss.*, article 6, and his *Cont.*, chapter 6; Council of Grado, vol. 8, p. 527, note 3; Holz, vol. 2, p. 74, note 320; Wigandt, treatise 12, note 78; Bon, p. 4, note 3; Croiae, book 6, p. 2, note 42, with Suarez, Vasquez, Sylvester, and Salm, vol. 5, chapter 3, p. 3, doubt 1, note 40, with Cano, Cajetan, Navar, and many others. And in accordance with this view, it is clear from St. Thomas, *Summa Theologica*, 3rd part, question 79, article 5, where he says: "Although this oblation is sufficient in quantity to satisfy for all punishment, it is nevertheless efficacious for those for whom it is offered, or even for the offerer, according to the measure of their devotion, and not for the entire punishment." The Saint does not contradict himself in the aforementioned passages; for when he says that the Mass has a determined effect, he must be understood to mean a determination not on the part of Christ, but on the part of the subject, according to the measure of his disposition. And when he says that the Mass, when applied to many, benefits each individual less, he is not speaking of the Mass as a sacrifice, but as a suffrage instituted by the Church, which certainly has a finite effect, and therefore, the more it is applied to many, the less it benefits each individual; for it is certain that the prayers of the Mass, instituted by the Church, benefit someone more if they are offered specifically for that person, than if they are applied to many by a priest, as is clear from the Council of Constance, where this article of Wycliffe was condemned: "Special prayers applied to one person by prelates or religious do not benefit that person more than general prayers, all other things being equal." Nor does the fourth prohibition of the Church regarding the acceptance of multiple stipends for one Mass present an obstacle. For it is answered that the stipend is not given as a price for the fruit of the Mass, but for the support of the minister, as we have said in book 4, number 55. Therefore, whenever the minister has his support, there is no title by which he can receive another stipend. It is also answered that...

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When the opposing opinion is not deemed improbable, a priest cannot apply the fruit of a Mass for a certain stipend to an uncertain purpose. Secondly, it is objected that if this opinion were true, the Church would be acting fruitlessly in multiplying Masses; but it is answered (as we have said) that the fruit of the sacrifice is not received according to its own proper value, but according to the disposition of him to whom it is applied, and from this it follows that the more frequently sacrifices are repeated for one person, the more frequently the fruit is conferred upon him. This

second opinion, speaking speculatively, seems more probable; but since the contrary opinion is still deemed probable, it is not permissible for a priest, while receiving a stipend from one person, to apply the Mass for that person in general with others; unless, that is, the person is not defrauded. It should be noted here that the sacrifice of the Mass, insofar as it pertains to the principal fruit, benefits equally whether offered by a wicked priest or a good priest, since the value of the Mass depends on the work performed through the merits of Christ; insofar as it pertains to the fruit of the prayers which are said in the Mass, these prayers also have effect when made by a sinful priest, to the extent that he prays in the name of the Church, because the Church is always pleasing to God; otherwise, to the extent that he prays in his own name. Thus, St. Thomas [Summa Theologica] 3d part, question 82, article 6. From this, Pope Alexander [Canon 91, cause 1, question 1] said: "Priests, the more worthy they are, the more easily are their prayers heard." However, Dom Thomas [l.c. art. 7, ad 3] believes that if the celebrant is excommunicated, because he is separated from the unity of the Church, his prayers have no effect. And I believe this to be more truly said, speaking of an excommunicated person who is to be avoided, as Ronc. c. 1, question 3, r. 2, Spor. p. 438, n. 322, and Laym. de Sacr. miss. c. 1, n. 12, against Holzm. p. 75, n. 324, and Croix lib. 6, p. 2, n. 49, with Soto, Gabr. Dic. etc., state. However, Laym., with Avila and others, says that it is different in the case of an excommunicated person who is tolerated, because the Church, by permitting the faithful to request Masses from him, consequently also permits that these Masses be entirely efficacious for those who request them. See notes 309, 313.

1. Priests ordinarily sin gravely if, not a few times in the year, at least three or four times, they do not celebrate on the more solemn feasts, unless they are legitimately hindered. Thus, Sylv. Reg. Suar. Conc. and others, against Ang. Bon. Dian. p. 2, t. 14, r. 19; also, Cardin. de Lugo and Tamb. l. 1, exped. comm. c. 6, who excuse them from mortal sin, provided they communicate during Easter, and that there is no contempt or scandal; indeed, where the Council of Trent is accepted, they are held, by order of the Bishop, to celebrate at least on Sundays and feasts, unless the Bishop has given no such order. It is doubted here 4. Whether priests are bound under a grave penalty to celebrate at times? The first opinion is more common, as held by St. Thomas [Summa Theologica] 3d part, question 82, article.

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10. Suar. d. 80. s. 4. Laym. l. 5. tr. 5. c. 3. n. 4. Bon. p. 7. n. 4. Juenin. t. 7. p. 377. Holzm. p. 78. n. 338. Cont. Tourn. hic cap. 9. art. 2. sect. 4. Elbel p. 425. n. 495. Habert t. 5. p. 684. q. 9. Conc. t. 8. p. 496. n. 4. et Pal. p. 12. n. 2. cum Vasq. Nav. Valent. Azor etc. teach that it is necessary, both by divine and ecclesiastical law. The divine law is proven in four ways: 1. From the words of the Apostle (Hebrews 5:1): "For every high priest

taken from among men is ordained for men in the things that appertain to God, that he may offer up gifts and sacrifices for sins." 2. From the words of Christ (Luke 22:19): "This do ye in remembrance of me." The Council of Trent, in Session 22, chapter 4, declares that these words contain a true precept, saying: "To the Apostles and their successors in the priesthood, He commanded, through these words, to do this, etc." 3. The ecclesiastical law is proven in four ways: 1. From chapter 9 of the Decretals, concerning the celebration of Mass, where Innocent III said: "We lament that not only some lesser clerics, but also some prelates of churches, spend almost half the night on superfluous meals.... There are also those who scarcely celebrate Mass four times a year, and what is worse, they despise attendance; and if these Masses are celebrated, they attend, but are preoccupied with conversations with lay people, etc. Therefore, we strictly forbid these and similar practices under pain of suspension, strictly commanding, in virtue of obedience, that they diligently and devoutly celebrate both the nocturnal and the daytime office." 2. The reason for this judgment, as given by the Doctors of Theology, is: "Because everyone is bound to use the grace given to him when it is opportune, according to the words (2 Corinthians 6:1): 'And we helping do exhort you that you receive not the grace of God in vain.' The opportunity to offer sacrifice is not only considered in comparison to the faithful of Christ, to whom the sacraments must be administered, but primarily in comparison to God, to whom the sacrifice of this sacrament is offered." 3. Palearius, p. 12. n. 4. and Contrarinus, in the aforementioned place, confirm this. 4. Cajetan, in the aforementioned place, is of the opinion that priests do not gravely sin if they never celebrate Mass, but this opinion has been refuted by Pope Pius V from his Commentary.

The second opinion, held by St. Bonaventure, d. 12. p. 2. art. 2. q. 4. and Cajetan, l. c., as well as Alensis and Victoria apud Pal. n. 2., and considered probable by Suar. Palearius and Layman say that, provided there is no scandal, a priest is not strictly bound by his ordination to celebrate Mass; and Lugo, d. 20. n. 2., strongly adheres to this, saying that the reasons for the first opinion do not convince. The reason for this second opinion is that it is not a matter of a precept; not of a divine precept, because the precept, "This do ye in remembrance of me," was not given to individual priests, but to the community of priests, namely, that they should see to it that the offering of this sacrifice is not lacking in the Church of God. In the text of the Apostle: "Every high priest," only the priesthood is expressed.

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The power to celebrate the sacrifice [of the Mass] belongs to each priest, but not the obligation. Regarding the precept presupposed in chapter *Dolentes*, Lugo responds: 1. that the penalty of suspension pertains only to those who sing in the choir; 2. that this penalty does not induce a grave sin, since it is not imposed, but a sentence to be endured; 3. that the text

there speaks only of prelates of churches concerning the celebration of the Mass. To the reasoning of St. Thomas, one could respond that it does not imply a precept, but only a counsel, according to the words of the Apostle, who exhorts. Therefore, many of the authors of this opinion do not absolve a priest who never celebrates in a year, at least from venial sin, due to the good he deprives himself and the Church of; they absolve him, however, from mortal sin. Paleari, in number 2, states that St. Pius V rejected the opinion of Cajetan, not because it was false, but because it was less probable and contrary to the opinion of St. Thomas. Nevertheless, despite these objections, I adhere to the first opinion, as stated by Salmeron, volume 5, chapter 5, page 2, number 43: all the more so, because Lugo himself, in number 43, says that a negligent priest who does not celebrate in a year cannot be excused from grave sin, due to the scandal, because this would be a sign of a bad conscience. Indeed, Suarez, in the cited passage, also feels that a priest who does not celebrate for a long time, say for six or eight months, as Paleari states in number 3 and Salmeron in the same place, number 44, at the end, is also culpable. From this, it follows that the opposing opinion is scarcely practically probable, at least due to the scandal.

Doubt 2: How often in a year is each priest bound to celebrate? Here, the Doctors are greatly divided. St. Thomas, in *dicta*, question 82, article 10, says: "Therefore, a priest, even if he does not have the care of souls, is not entirely excused from celebrating, but at least it seems that he is bound to celebrate on the principal feasts, and especially on those days on which the faithful are accustomed to communicate." These principal feasts, explains Soto apud Benedict, volume 9, book 3, chapter 4, are to be understood as Christmas, Easter, and Pentecost, on which days the faithful were formerly accustomed to communicate. But Juenin, volume 7, page 378, adds the feasts of the Ascension, Corpus Christi, the Nativity of the Blessed Virgin Mary, the Annunciation, the Purification, and the Assumption. Indeed, Merbesius, page 3, question 21, and Habert, page 685, question 10, hold that they are obligated to celebrate on every Sunday and feast day, especially the more solemn ones. And the same is held by the Council of Trent, in *de Reform.*, session 23, chapter 14: "Let the Bishop see to it that the priests celebrate Mass at least on Sundays and solemn feasts." Contraro, in *Tourn.*, chapter 9, article 2, section 4, says: "From these things, it follows that many priests are suspected of grave sin, who celebrate only once a year." Others, with a much more common opinion, hold that priests are not bound to celebrate unless three or four times a year, on the more solemn feasts; thus, Busembach, as mentioned above, and Navarret, in *Man.*, chapter.

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25. n. 82. Laym. c. 3. n. 4. With Soto, Rich. Palud. Sylv. et Val. ac Elbel, p. 125. n. 495. With Soto, Gob. et Anacl. Imò Suar. d. 80. s. 1. Lugo d. 20.

n. 43. Bonac. p. 7. n. 2. et Holzm. p. 79. n. 343, they say that it suffices if they celebrate three or four times a year on any days; and they rightly consider it probable that Salm. tr. 5. c. E. p. 4. n. 44, in med. with Soto, Tol. Vasq. Azor, Henr. Gavanto, Hurt. etc., provided that the due distance is observed, as stated at the end of the first Doubt. And this opinion is in conformity with the decree of the Holy Council, issued in the month of November, 4696 (apud Monacell. p. 4. tit. 5. Form. 9. n. 45.), where it is said: "He who, without a just cause, does not celebrate three or four times a year, sins mortally, and may be punished by the Bishop." However, Salm. l. c. at the end, with Tamb. and Garzia, say that religious priests are obliged to celebrate at least every month; because religious persons, whether monks or nuns, as is prescribed in Clem. 4. Ne in agro, §. indeed, concerning the state of monks (and the same is said of nuns in Trid. sess. 25. cap. 40. de Reg.), are obliged every month to confess their sins and to receive Holy Communion, unless they abstain at the judgment of the prelate, or confessor. But from this text, I see that only the obligation of communicating once a month is induced, and not of celebrating. Moreover, it is not improbably taught by Suar. in 3. p. t. 3. d. 70. s. 2. v. Dico 4, that these decrees do not clearly express a precept, but merely a counsel, since only it is said there: "Let them come to confession, and let them communicate." Therefore, the Council of Trent (l. c., where in the margin the aforementioned Clementine is noted) says: "Let the Bishops and other superiors of monasteries diligently see to it that the monks are reminded (note) to make confession of their sins at least every month, and to receive the most holy Eucharist." Therefore, Suarez concludes: "Unless a special will intervenes, or unless the constitutions of the religious order establish them as binding under pain of mortal sin, there is no such rigorous obligation." The parish priest, says Habert l. c., is obliged to celebrate not daily; but more often than on Sundays and feast days. But others commonly and more truly say that he is obliged to celebrate only on feast days, on which days the parishioners are obliged to hear Mass; since these obligations are correlative, in which days the people are obliged to hear Mass, the priest is obliged to celebrate it. Navarr. Man. c. 25. n. 435. Bon. p. 7. n. 3. Azor, l. 40. c. 24. q. 2. et 3. Barbosa in Trid. s. 23. c. 14. with Graff. Homob. Molf. Vill. Diana, Fag. Philib. Marchin. etc. from Conc. Trid. l. c., where it is said: "If, however, they have care of souls, let them celebrate Mass so frequently that they may satisfy their duty." Therefore, they fulfill their duty for the year if they offer sacrifice as often as the people are obliged to hear Mass. And this opinion is also held by Benedict XIV. l. c. c. 3. As for Bishops, Habert says there, from the last chapter on privileges.

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1. It does not befit them to pass any day without the Mass, unless there is a reasonable cause. But it should be noted that the text does not speak

absolutely of the celebration [of Mass], but either of the celebration, or of the hearing [of Mass].

2. Although in cathedral churches, collegiate churches, and monastic churches (where there is a sufficient number of priests), at least one Mass should be celebrated privately each day, and another sung, and the rectors of these churches sin mortally if they fail in this, as Suarez, Coccio, Layman, and Marchius teach. However, it is not mortal (except for the particular obligation of such a church) to omit one or the other once, or even twice, in a week, as Tamburini teaches in book 4, chapter 6. Nor is it the case that, if in a collegiate church a solemn Mass, which is to be sung on a feast day falling on a privileged day, such as the vigiliae, the four seasons, Lent, or Rogation days, is to be sung after Prime, it is omitted once. Ibid., from Abbot Marchius, etc. (Regarding the conventual Mass, see the decree of our Pope Benedict XIV, number 326.)

3. He sins gravely who is obligated to offer a Mass for another, but nevertheless applies the principal fruit to others, because this is a fraud against another in a serious matter.

4. He sins gravely who, being obligated to perform a sacred duty by justice, delays it for a long time, because he deprives another of great benefit. (Sylv. Reg. book 23, number 236; Fernand., etc.) Much more so if he plainly omits it; and in this case, he is obligated to make restitution of the stipend. (Tamburini, de exped. sacrific., book 3, chapter 4, section 8.)

II. If someone receives several stipends for which he cannot satisfy the obligation except after a long time, the same reasoning applies. (Sylv. Reg., Fernand., page 3, chapter 5.)

III. He who promises to perform a sacred duty with his own will, and does not perform it. (Bonifacius, d. 4, q. ult., p. 8.) Although it is probable that this is not a mortal sin, as Sanchez teaches in de matr., book 4, doubt 5. See Diana, volume 3, miscellanea, response 9; also page 4, volume 4, response 496; and page 6, volume 6, response 6; and page 5, volume 14, response 81, where he cites Cajetan, Vasquez, Hurtado, etc., who affirm that he who promises several Masses gratuitously, can satisfy with only one; which, however, others commonly deny.

316. Regarding the stipend for Mass, here is a brief account of some wise things prudently transmitted by our most learned Pope Benedict XIV in his works on the Synod, on the Mass, etc. Formerly, the faithful offered bread and wine to the priests for the sacrifices, of which what remained was used by the priests and clergy themselves. Later, it was permitted to offer oil, grain, grapes, and similar things. Finally, it was permitted to offer money, which previously was not applied to the priests, but was sent to the treasury, to be distributed for the support of the ministers and the poor; but with the passage of time, it was given to the priests themselves, so that they could apply it for those who offered Masses. This has been rightly approved

by the Church, contrary to the Wycliffites, who disapprove of it; for as St. Thomas teaches (2-2, q. 410, art. 2, ad 2), the priest does not receive money as a price for the consecration of the Eucharist, for this is simoniacal, but rather as...

[*Latin ed. p. 135*]

This is the reward for their sustenance. And this is in accordance with the words of the Apostle in 4 Corinthians, chapter 9, verse 13: "Know you not that they which minister about things that belong to the temple live of the things of the temple, and they which serve at the altar are partakers of the altar?" However, despite this, avarice arose among the priests, who, for this profit, celebrated Mass multiple times a day; therefore, Innocent III forbade this in the decree *Consuluisti*, concerning the celebration of Mass. But this prohibition was followed by another evil; for the priests consecrated as many hosts in the same Mass as there were individuals offering alms. Others read the Mass of the day three or four times, up to the Offertory, then repeated as many secret prayers as they had read, and finally completed the Mass with a single canon, repeating the collects at the end as many times as they had recited at the beginning; and thus they received stipends according to the number of repetitions. These were called "bifacials" and "trifacials" Masses. But these practices have now been eliminated. Later, other errors arose, which were condemned by Alexander VII in propositions 8, 9, and 10, which we will refer to in numbers 318, 321, and 317.

Question I: Can wealthy priests receive stipends for Masses? Cajetan, in 2-2, question 100, article 2, and Sylv. and Graf. apud Esc. l. 21, n. 590, deny this, because the stipend is given for the sustenance of those who celebrate; but the wealthy already have means of sustenance. However, Suar. d. 86, sect. 3, Lugo d. 21, n. 48, and the Council in t. 8, p. 461, n. 4, *Cont. Tourn.* cap. 9, art. 2, sect. 4, v., and others, commonly and correctly affirm this, as do Gers. and Thomassin, Salm. tr. 5, c. 5, p. 4, n. 2, Pal. p. 14, n. 3, and Esc. l. c. n. 592, with Nav. Soto, Conc. Bonac., and others. And D. Th. in Quodlib. 7, art. 10, gives the reason, both because it is permitted today by the universal custom of the Church, and because every worker (whether rich or poor) is worthy of his reward, as the Apostle says: "Doth the plowman plough the fallow ground, or doth he scatter the seed? Yet the beasts till the earth, and men eat the fruit of the ground." 1 Corinthians, chapter 9, verse 7. See the words in l. 4, n. 55.

Question V: Is it simony to celebrate Mass primarily for the stipend? It is more likely that it is denied. See the words above.

Question VI: How does a priest sin by delaying the celebration of Masses after accepting a stipend? He certainly sins gravely if he delays for a long time, as is stated in the decrees of the Holy Council, issued on June 21, 1625, by the authority of Urban III, which was especially attributed to him, and

confirmed by Innocent XII in his bull, which begins *Nuper*, etc. All of this is explained in detail by P. La Croix in book 6, p. 2, n. 63, and significantly, n. 68 contains the decree, which states: "Priests may only receive manual and daily alms if they have first satisfied the obligations previously imposed upon them, so that they may also be able to undertake new obligations; otherwise, they must abstain entirely." But when it was asked whether those who have not satisfied the obligations they have undertaken can undertake new obligations? The same Holy Council, by the authority of the same Urban (see Croix, n. 98), declared that the decree should not be understood in this way.

[*Latin ed. p. 136*]

Absolutely, but priests can accept new obligations, provided they can fulfill them for everyone within a reasonable time. However, there is doubt as to how long a period is understood by that "reasonable time." It is certain that 1. a priest sins if, having requested a Mass for some urgent need, such as a safe delivery, avoiding danger, or winning a lawsuit, he omits to celebrate it within a time appropriate for the celebration. The reason is that, as Lugo rightly says (d. 20, n. 45), the circumstance of time then pertains to the substance of the requested matter; therefore, as Ronc. c. 6, q. 10, r. 2, and Cont. Tourn. loc. cit. v. Quær. 9 state, the priest is obligated to return the stipend, even if he celebrates it later. Indeed, Sporer rightly adds that it is not sufficient to simply return the stipend, but that the person who gave the stipend must also be informed that the Mass was not celebrated in a timely manner. It is certain that 2. if someone gives you an alms to have a Mass celebrated for him on a particular feast day, you sin if you celebrate it later; although Lugo admits (d. n. 45) that it can be done the next day. It is certain that 3. you do not sin by delaying, if the giver, upon hearing of an impediment, consents to a delay, as explained by the Sacred Congregation (l. c. in response to 12). However, having clarified these cases, Peyrinus loosely stated in the Declaration of Const. 9 of Urban VIII that a "reasonable delay" is three years, or six months, as Arriaga believed. I also consider a delay of three months to be excessive, whatever Pasqual. qu. 965, Renzi c. 4, q. 50, and Tamb. in Meth. cel. miss. c. 4, §. 9, n. 4 may say, who wrongly cite Lugo d. 21, n. 34, with Led and Villal., for there Lugo approves the doctrine of the aforementioned authors, who say that a period of only two months is reasonable; and so also think Garzia, Philib. Ripa, Cerbulus, etc., apud Salm. tr. 5, c. 5, p. 3, n. 57, and they infer this from C. Præsentium, caus. 7, qu. 4, where a pastor, absent from his church for two months, is not said to be absent from his church, and from Trid. sess. 23, c. 1, de Reform., where a period of two months is considered reasonable. These parallels do not satisfy me; nevertheless, it seems probable what Lugo says (n. 45), namely that a priest does not sin if he celebrates a promised Mass within two months, and this opinion is also approved by Cont. Tourn. ibid.

v. Quær. And they also assert that this is common, saying: "One can accept stipends for Masses for two months, as we said before with the common opinion regarding Prayer." Therefore, it is reasonably thought by P. Conc. t. 8, p. 469, n. 24 that a delay of two months is not reasonable, from the declaration of the Sacred Congregation of that Council, published on July 17, 4655, which is cited by Benedict XIV (Notif. 56, n. 14), where it is indeed said that a "reasonable time" is not a period of two or three months, but should be understood within a month. In Masses for the dead, a delay of one month is considered a serious delay by Salm. loc. cit., Pal. p. 13, n. 21, Esc. l. 21, n. 164, and Spo- does not dissent from this opinion.

[*Latin ed. p. 137*]

Regarding the matter of Masses, Ronc. Cont. Tourn. and Croix, in the aforementioned work, state that Masses for the dead should be celebrated more quickly than those for the living. However, Cont. Tourn., in the same work, observes that when Masses are assigned to a community of several priests, it is presumed that the person who offers the alms for many Masses desires them to be celebrated more quickly. This, however, should not be understood to mean that all the priests of that community must dedicate themselves to fulfilling these Masses, but rather that they should not delay them for longer than would be necessary if those Masses were assigned to a single priest. Therefore, it is possible that the entire number of Masses can be distributed among the individual members of the community, or at least among the larger portion of it, if that portion is more numerous; and with this distribution made, the entire community can fulfill them within the same amount of time that would be allotted to each individual member for fulfilling their assigned portion. Holzm. rightly states, page 89, paragraph 185, that those who offer alms for numerous Masses can easily foresee that the community may have other obligations.

Question III: Does a priest commit a grave sin if he omits celebrating a Mass, having accepted the payment for it, and is this not a serious matter?

The first opinion denies this, and this view is held by Pal. page 24, paragraph 2; Sporer, volume 3, page 142, paragraph 353; Elbel, page 132, number 217; Renzius, book 1, chapter 4, question 40; and Salm., treatise 5, chapter 5, page 2, paragraph 39, citing Henriq. Pell, Sanctio, Fagund., etc. The reasoning is as follows: First, the gravity of the matter should not be considered based on the spiritual fruit of the Mass; otherwise, a priest would gravely sin by omitting any prayer he has promised, regardless of the circumstances. However, in this case, the harm caused is not considered serious in itself, as it can be remedied by a small payment. Second, this kind of spiritual harm does not seem serious in the estimation of people, because they would not consider it a grave injustice to omit a single sacred promise.

The second, more probable, opinion affirms this, and this view is held by Holz., page 83, paragraph 366; Croix, book 6, part 2, paragraph 154, citing

Aversa, Ronc., chapter 6, question 40, response 1, citing Passer, and P. Nav. Steph., and Bonac., apud Salm., in the aforementioned work. The reasoning is as follows: The gravity of the matter is more likely to be measured not in relation to the payment, but in relation to the fruit of the Mass, from which the person offering the alms is deprived. For example, if you hired a digger for a small payment to open a channel to bring rainwater into your field, you would suffer a serious loss if he neglected to do his work. It cannot be said that this loss can be remedied by a small payment; for it could certainly be remedied if the person who offered the payment were certain that the Mass had been omitted. Otherwise, if he remains unaware, he certainly cannot remedy the loss. Furthermore, it is not sufficiently proven that this kind of loss is considered minor in the estimation of people; meanwhile, it is serious in itself.

Question IV: Does a priest commit a grave sin if he omits saying a single Mass that he has promised gratuitously? The Council affirms this, page 463, paragraph 9; Navarr. Le-

[*Latin ed. p. 138*]

Desire and Bonaventure, in Renzio, chapter 4, question 40, for the same reason, as mentioned above, because such an omission inflicts a serious spiritual detriment upon the person making the promise. However, it is probable that Croix, in book 3, part 2, number 776, Elbel, page 432, number 218, Roncaglia, in the aforementioned work, Sanchez, on marriage, book 1, chapter 6, number 25, Diana, part 2, treatise 47, section 9, and others, hold a different view. Hence, as Sporer states on page 142, number 352, along with Cajetan, Moller, and Suarez, and Renzio in the cited passage, along with Fagius, Portelli, and Pell, the reason is either because a simple promise does not obligate under a grave penalty, as Elbel and Sporer state, according to the opinion presented in book 4, number 720, which is held by Cajetan, Bannis, Salmeron, and Lugo, in de controversis, book 23, number 39; or, as Lugo says, unless the promisor expressly obligates himself under a grave penalty. Or, as Sanchez, Roncaglia, Busembach, Croix, and Elbel state, the promisor of a single Mass is not considered to impose a grave obligation upon himself. However, all agree that it is a serious sin to omit a Mass that is due either by vow or by order of a prelate, because no one can doubt that this is a serious matter in a vow or an order; see Salmeron, treatise 5, chapter 5, page 2, number 39, at the end, 318.

5. If someone gives a just stipend (which should be determined by custom or by law, or, if not, according to Soto and Cajetan, it is the frugal sustenance of one day, which Suarez, Laym, and others reject, and they believe that half or a third of the day's sustenance is sufficient), so that it is said that a Mass will be offered for him, it should not be received from another after the second hour, and for two people, only one Mass should be offered that day. Cardinal Lugo, book 19, number 259. Otherwise, if

both were to give only half of the just stipend, as Soto, Henry, Fillius, and the Council, and Cardinal Lugo, in the aforementioned work, probably teach; however, this is already prohibited by a decree of Urban VIII. See Bonaventure, Diana, treatise 14, section 7.

Here, however, two propositions condemned by Alexander VII must first be noted. The first, number 8, stated: "A priest can licitly receive a doubled stipend for the same Mass, applying to the petitioner a portion of the fruits, even the most special fruits, that correspond to the celebrant himself, and this even after the decree of Urban VIII." The reason for the condemnation is that the application of the most special fruits is very uncertain; for, as Fillius states in treatise 45, chapter 6, number 451, and others (as Croix states in book 6, part 2, number 50, who considers this probable, along with Aversa and Sporer, page 255, number 255), it is very probable that the most special fruits can be applied; however, Laym, chapter 2, number 18, Lugo, book 24, number 33, Tamburini, section 3, number 68, and Suarez, Vasquez, Turr, and others, as cited by Sporer, number 363, deny this, because, just as, according to the institution of Christ, a general fruit cannot be applied to another, so neither can this most special fruit. The second condemned proposition, number 40, stated: "It is not contrary to justice to receive a stipend for multiple sacrifices and to offer only one sacrifice; nor is it contrary to fidelity, even if I promise by oath, a promise also confirmed, to the one who gives the stipend, that I will offer it for no one else."

319. Regarding the customary amount of the just stipend, the Doctors commonly state...

[*Latin ed. p. 139*]

(See Suarez, d. 86, sect. 2; Viva, q. 5, art. ult., n. 2; Croix, lib. 6, p. 2, n. 126; and Salm, tr. 5, p. 4, n. 4, from a decree of the Sacred Congregation). The just stipend for a Mass is not, as Sotus and Cajetan asserted, the sustenance for a single day, for the priest, besides performing the sacrifice, can occupy the remainder of the day with preaching, teaching, and similar lawful activities, thus obtaining complete sustenance; rather, it is that which is fixed by the Bishop, or by custom, or, at the very least, by a prudent man, if there is no fixed amount by custom or established by the Bishop. Thus, Suarez, loc. cit.; Council, t. 8, p. 460, n. 2; Tambini, in Methodus, l. 3, c. 4, §. 4, n. 2; and Bona, p. 8, n. 8, with Concini, Fill, Reg, and the common opinion, from a declaration of the Sacred Congregation (in Benedict XIV, notit. 56, n. 10), issued on November 45, 1698, wherein it was stated: "The custom of the place, or the synodal law, must be observed as far as possible; but if neither exists, then a suitable alms must be established by the Bishop at his discretion."

320. — It is doubted here whether religious are bound to observe the Bishop's tax under a grave obligation? Navarrus denies this (see Tambini,

loc. cit.). But it must certainly be affirmed, as P. Concini states (p. 464, n. 3), as do Viva, loc. cit., n. 5, with Vasquez, Molina, and the common opinion, from a decree of the Sacred Congregation under the date of January 15, 1639, in which it was thus decreed: "The alms for each Mass, to be celebrated by religious in their churches, must be assessed by the Ordinary according to the custom of the region." Thus, also, in Benedict XIV, loc. cit.

It is doubted whether the Bishop can prohibit the offering of alms that are more generous than the tax? It is certain that the law of the Bishop, or the custom fixing the stipend, does not prohibit the faithful from giving more, and the priests from receiving less, if they so wish, as is commonly taught by Suarez, Vasquez, Barbatus, etc., with Salm, tr. 5, c. 5, p. 2, n. 5. It is certain that priests cannot demand a stipend that exceeds what is prescribed, because this would cause great scandal. Thus, also, Suarez, d. 86, sect. 2, and Bonacini, loc. cit., n. 9, with Corduba, Reg, and others. However, the Bishop cannot prohibit this if the alms are offered spontaneously, as Lugo teaches (Resp. mor., lib. 5, dub. 18); Suarez, loc. cit.; Lessius, lib. 2, cap. 4, n. 37; and Bona, num. 14, with Reg, Poss, etc.; thus, it was decided by the Sacred Congregation on January 16, 1649 (in Benedict XIV, dict. notit. 56, n. 14), against the Bishop of Pistoia, who had promulgated an edict prohibiting this, but the Sacred Congregation replied: "It cannot be prohibited, and therefore the decree must be moderated."

It is doubted whether the Bishop can prohibit priests from accepting a stipend that is less than just (note that below, in Italy, the stipend is in silver, or carolus, while in our kingdom it is...). Sotus denies this (de just., l. 9, qu. 6, art. 1, ad. 2); Navarrus (c. 23, n. 106); and D. Thomas (2.2, q. 102, art. 3). But it is more probable that Suarez, loc. cit.; Roncaglia (c. 6, qu. 4, r. 3); Bona (num. 9), with Reg, Card, etc.; and Benedict XIV, dict. notit. 56, n. 14, from a declaration of the Sacred Congregation on July 16, 1689, state that the Bishop can rightly prohibit, and impose a penalty on those who celebrate for a lesser sum.

[*Latin ed. p. 140*]

Regarding the quantity of the tax. The reason is that otherwise, the sacrifice of the Mass might, in some way, be devalued. Therefore, in the case where the Bishop prohibits this, the priests are entirely obligated to obey him, for it is certain that subordinates are bound to obey a superior who gives a probable command, as we said in book 5, chapter 47. But our opinion is not only probable, but also more probable by authority and reason. However, if, because of this prohibition, the priest or father suffers a loss, see the aforementioned book, chapter 5, limitation. In the case where the priest has already accepted a small sum for celebrating Masses from one or more individuals (whatever Busembach may say, as mentioned above, with Soto, the Council of Lugo, etc.), he cannot reduce the number of Masses, nor can he apply one Mass for two, if each has

given half the sum, as Innocent XII decreed in the aforementioned bull, beginning with "Nuper," (See Croix, book 6, page 2, number 64), where he confirmed the decree of the Sacred Congregation of the Council, issued by order of Urban VIII, which had established: "For the celebration of more Masses, let the sums, however small, whether received from one person or from many, be given to priests and clerics in the future, and the Sacred Congregation, under the obligation of divine judgment, commands that absolutely as many Masses be celebrated as are prescribed according to the assigned alms." However, this must certainly be understood when the priest knowingly accepted the sum for celebrating so many Masses; otherwise, if he did so unknowingly, as rightly stated by Contenson, book 9, article 2, section 4, question 4, views 2, and Roncaglia, book 6, question 4, response 2, with Laym, Barb, and Passer. Furthermore, the priest who promised an heir to celebrate Masses for the deceased testator, with the understanding that the sum would be paid later, is obligated to celebrate the Masses before the payment is made, in order to maintain his fidelity, as well stated by Salm, on contracts, book 5, page 11, number 157, with Tapia, Villalobos, etc., doubt 4. Whether it is permissible to make an agreement about the fee for Masses? Absolutely, Father Concina denies this in volume 8, page 462, number 6, because the canons prohibit all agreements and conventions regarding the fee for the Mass, as seen in the chapter ending with "Pactis," chapter "Si nos," on simony, etc. However, Lessius, in book 2, chapter 35, number 48, Pal, on simony, page 9, number 1, Sanch, in Consilia, book 2, chapter 3, number 11, number 8, Roncaglia, on simony, book 2, question 2, page 208, with Laym and Gult, and Salm, on simony, book 5, page 3, number 22, with Maldero, Soto, Villalobos, Ledes, etc., generally affirm this. And this seems probable, if the agreement is about a just fee according to the tax or custom, as we said in book 4, number 55. The reason is that, although the sum is not given as a price for the Mass, nevertheless, when it is given out of justice for the support of the priest, as taught by the Doctors of Theology, number 316, there is nothing to prevent it from being included in an agreement. Nor do the aforementioned canons stand in the way, because they have been abrogated by custom, as Lessius and Sanch say, or because they must be understood as referring to illicit agreements, as Roncaglia better states, with the Glossa in the aforementioned chapter ending with "Pactis," see "Cessare," who says: "In spiritual matters, all agreement must cease." And these are the only agreements.

[*Latin ed. p. 141*]

Concerning the celebration of Masses, it is condemned by the Council of Trent, session 22, on observations concerning the celebration of Masses, where it is decreed that Bishops should prohibit importunate and excessive demands for alms, rather than permitting them. Therefore (as Lugo rightly

says in *Responsio moralis*, book 5, chapter 48, number 7, speaking of this text of the Council), it is not just requests, but excessive and importunate demands (that is, those that exceed what is reasonable) that are prohibited, which are clearly the mark of avarice. In such arrangements, every possible precaution should be taken to avoid scandal.

Question 5: How should the stipend for Masses, which the testator left, be assessed? If the testator did not specify an amount, it should be given according to the established rate; but if he did specify an amount, as Roncaglia states in question 2, it should be determined by the Bishop according to the custom of the place, as declared by the Sacred Congregation to the Fifth Session (see Croix, number 93). This is done, as Roncaglia says, taking into account whether the inheritance is rich or poor.

Question 6: He who has received money from another to celebrate a Mass, or to have it celebrated, can, in itself, have the Mass celebrated by another good priest, for a smaller amount than he received. I said "in itself," because Urban VIII forbade this to be done for the sake of appearance of a disgraceful gain. I said "good": because, if it is done through a bad person, the fruit of the work is lost. See Cardinal de Lugo, in the place cited. In the decree of the Sacred Congregation, approved by Urban VIII and confirmed by Innocent XII (see Croix, number 66), it was decreed: "Desiring to remove all detestable gain from the Church, it prohibits any priest who has accepted a Mass to be celebrated with a certain alms, from entrusting the celebration of the same Mass to another, retaining a part of the same alms for himself." After this decree, some even maintained that it was permissible to retain a part of the alms, having the Mass celebrated by another, claiming that this decree had not been accepted. Therefore, Pope Alexander VII condemned proposition 9, which stated: "After the decree of Urban, a priest to whom Masses are entrusted can have them celebrated by another, with a smaller stipend, retaining a part of the stipend for himself." Hence, our Holy Father Benedict XIV, in his Encyclical Letter issued on June 30, 1744, which begins, "With how much concern," (see at the end of the work), in order to more easily remove the faithful from this shameful practice, he ordered the Ordinaries to make it known by edict that whoever (these are the words of the letter) collects alms for Masses at a higher price than the customs of the place or the statutes of the synod require, and retains a part of the alms received, either for himself or for another, and has the Mass celebrated elsewhere, where smaller alms are given for the celebration of Masses, shall, in addition to any other penalties you may impose, incur the penalty of excommunication for the layman, and the penalty of suspension for the cleric, or any other priest, by this very act, and that no one shall be able to do this except through us ourselves.

[*Latin ed. p. 142*]

The Roman Pontiff, unless in the article of death, can be absolved. How-

ever, this prohibition has exceptions, as noted by I. Roncag. cap. 6, q. 8, r. 2, v. Secondly, Passer, Tamb. Meth. Miss. lib. 3, c. 4, §. 5, n. 13, Salm. tr. 5, c. 5, p. 2, n. 15, with Dicast. and Diana, also Pasqual. and Mendo apud Croia lib. 6, p. 2, n. 133 (and Viva considers it probable in the aforementioned proposition 9, condemned by Alex. VII, n. 8), in the case where someone gives a larger sum, not so much with the intention of the Mass, but out of friendship, poverty, gratitude, kinship, etc.; in this case, the priest can retain the excess, by celebrating another Mass for the giver. However, Croia, in the aforementioned passage, with Stephano, only allows this if the giver expressly states his special intention with words; but this limitation seems superfluous, if it is morally certain from the circumstances that the alms was given with the intention of benefiting the person.

Exceptions II. Cont. Tourn. de sacrif. cap. 9, art. 2, sect. 4, v. Quær. 7. Ronc. l. c. v. Hæc. Viva l. c. n. 7, and Tamb. §. 5, n. 14, in the case where the priest to whom the Mass is entrusted generously and entirely freely condones the excess; in this case, it is permissible to retain it; for just as he can remit the whole amount, so too can he remit a part. However, this should be admitted only to a minimum extent, if you believe you have received a larger sum, and you ask the priest to remit it; or if you ask him whether he consents to you retaining a portion; in this case, you cannot retain it, even if he agrees; for this is asserted in the aforementioned bull of Benedict XIV as a deplorable abuse prohibited by several Popes; who decreed (words of the Bull) that no priest can receive a larger sum for the celebration of a Mass than can be given to another, even if the priest celebrating and consenting has indicated that he has received a larger sum as an alms (note).

Exception III. The beneficiary, who can properly entrust the celebration of a Mass to another priest, for the benefit, giving a suitable sum according to local custom, without giving the entire amount corresponding to the celebration of that day. Thus, commonly, Croia lib. 4, n. 820, Ronc. c. 6, q. 8, r. 2, Viva in dict. prop. 9, n. 9, Suar. d. 86, sect. 3, Pal. p. 14, nu. 9, and Salm. tr. 5, c. 5, p. 2, n. 13, with Sa, Vasq. Laym. Bon. and others. And it is clear from the decree of the Sacred Congregation, approved by Innocent XII in his bull Nuper (as we said), n. 8, where it is stated that the decree of Urban does not apply, but that it is sufficient that the rector of the benefice, who can have the Mass celebrated by another, gives the priest celebrating a suitable alms, according to the custom of the city or province, unless something else is stipulated in the foundation of the benefice. See Croia n. 96.

The same is permitted for a removable chaplain, as say Viva n. 9, Ronc. Lugo d. 21, n. 30, Holz. pag. 83, n. 363, v. Dixi, with others.

[*Latin ed. p. 143*]

On March 15, 1745, it was confirmed by the Sacred Congregation of Councils through a decree, which I myself have seen, where it was stated that it is permissible, provided that a certain annual income is established

for the chaplaincy, and that the chaplain is permanently assigned to it; however, if a certain alms is given to the chaplain for each Mass celebrated, it is not permissible. The same applies to one to whom the celebration of a perpetual Mass has been entrusted, as stated by Viva, no. 9; Croix, no. 131; with Gobius and Pasqualis. And the same is stated by Tamburrino, no. 40, with Riccio and Roncaglia, in the aforementioned question, 8, view 3, with Passerini; and by Antoninus of Florence, and others, concerning the priest to whom the celebration has been entrusted through a substantial endowment, left to him for life with the obligation of saying Masses. The reason for all these statements is that the decrees prohibiting the retention of a portion of the stipend only speak of manual Masses. However, Croix, no. 432; Pasqualis, question 976; and the Council, page 466, no. 15, rightly point out that if a larger alms is given to a priest of singular piety, he will not even be able to entrust the Mass to another, even if he receives the same stipend, unless the other has similar probity, or unless some circumstance excuses him. However, the Council states that this does not seem to be a mortal sin, because the service of devotion is not so great that a change in the celebrant would necessarily involve serious guilt; but Croix says that it is indeed difficult to condemn this as a mortal sin, but that it can sometimes be very serious, so that the celebration of the Mass by another would be gravely detrimental, and in that case, it would be a mortal sin.

4. It is doubted whether one who retains a portion of the stipend, according to the condemned proposition, as mentioned above, not only sins, but is also obligated to make restitution. The first opinion denies this, and this is held by Suarez, d. 88, section 3; Palafox, page 14, no. 9; and Bonaventure, d. 4, question ult., page 8, no. 48, with Salazar, Navarret, Vasquez, Fillon, Posen, Rodriguez, Rega, and others; and Viva, in the aforementioned proposition, no. 6, states that this opinion is not without probability. The reason is that by accepting the stipend, one already acquires ownership of it, and although one may acquire it with the obligation of saying Mass, this obligation is nevertheless sufficiently fulfilled by another. The second opinion, however, is to be held, as was previously taught by Dionysius, page 2, treatise 14, reason 10; and by Escobar, book 21, no. 621, with Major, Aragona, Ledesma, etc.; and, more recently, after the condemned proposition, it is commonly held by Vidal, in the aforementioned proposition, no. 9; Corella, ibid., no. 64; Croix, book 6, page 2, no. 135; Sporer, page 146, no. 369; the Council, volume 8, page 474, no. 10; Holzmüller, page 82, no. 363; Contenson, ibid.; Mazzola, volume 2, page 429. Viva considers this opinion to be the more probable, contrary to Bordon. The second reason is derived from the condemned proposition itself: since the proposition stated that a priest could fulfill his obligation through another, while retaining a portion of the stipend, it follows that the true, contradictory proposition is that he cannot fulfill his obligation; but fulfillment not only refers to the propriety of the act, but also to justice; therefore, whoever does not fulfill his obliga-

tion of justice is obligated to make restitution. The second reason, which is more forceful, is that, although the priest...

[*Latin ed. p. 144*]

When receiving alms, one must acquire the right to dispose of them; however, this right is acquired only according to the will of the giver. The will of the giver is not merely that a Mass be celebrated, but that it be celebrated with a specific stipend; for when a generous stipend is offered, it is given with the intention of obtaining a more abundant spiritual fruit from the celebration of the Mass. Therefore, he who, having received a smaller stipend, has another celebrate the Mass, sins against justice, not because he defrauds the giver of the alms of the fruit of the Mass, for he already receives this fruit from his previous pious disposition, but because he does not follow the intention of the giver, who wishes that the Mass, from which he receives the fruit, be celebrated with that specific stipend, and because such an intention is part of the essence of the agreement; therefore, if the priest retains a portion of the stipend, he unjustly retains it against the will of the giver. In what case should restitution be made? Croia, in his commentary on the law, citing Paschal, says that it can be made either to the giver of the alms or to the priest celebrating the Mass; but the common opinion, and that which is more probable, according to Cont. Tourn., Holzm., and Sporer, is that restitution should be made to the priest celebrating the Mass, because, when the obligation is transferred to him, so too is the right to the full stipend, according to the will of the giver.

A second doubt arises: Can a procurator or executor of a will, who arranges for Masses to be celebrated elsewhere according to the will, where the fees are lower, retain the excess? Tamb., in his work on the method of celebrating Mass, book 3, chapter 4, section 5, number 15, affirms that he can, because that excess will be the fruit of his industry. However, this is commonly condemned by Concina, volume 8, page 464, number 42; by Viva, in proposition 9, condemned by Alexander VII, number 8; by Renzi, chapter 4, question 45; by Diana, page 40, treatise 16, response 68; and by Ronc., chapter 6, question 8, response 2. They state: "Certainly not," because such a procurator would make a shameful profit from the alms; and because he has no title by which he can retain that profit, since he has never acquired ownership of those alms.

A third doubt arises: Can a priest who collects alms for the celebration of Masses retain something for his labor, if the Masses are not given to him to be celebrated by him personally? Concina condemns this, page 465, number 43, and states that this is forbidden by a decree of Pope Benedict XIV, based on the words cited above, number 324. However, Viva, in the aforementioned work, chapter, says that such a priest can retain a moderate compensation according to the measure of his labor. And this does not seem improbable, if he has been assigned to this task, and if his labor truly

deserves a reward; then such a compensation is due to him by natural equity, and by the will of those who offer the alms. The Pope, however, is understood to have condemned only those who collect alms with the intention of making a shameful profit from them, namely, by collecting stipulated fees in one place, and arranging for Masses to be celebrated elsewhere, where the alms are of lower value than where they are received.

A fourth doubt arises: Can a priest, to whom three *julii* are offered today to celebrate a Mass, arrange for another to celebrate it for him, promising to celebrate a Mass for that person tomorrow, who has received one *julium* for his Mass tomorrow?

[*Latin ed. p. 145*]

Affirmant, *Crocæ*, lib. 6, p. 2, no. 434, and Mazzola, vol. 2, p. 430, state that this would not be retaining a portion of the price, which the Pontiff condemned, but merely exchanging Masses and days. However, the Council rightly states, p. 466, no. 16, that this cannot be excused by the vile practice of simony. Nevertheless, it does not dare to condemn this as a grave sin; and whether poverty can excuse from all guilt, it leaves to the judgment of prudent men.

Question 5: Can administrators of churches retain anything from alms given for Masses, for the expenses of the altar, servers, lights, etc.? The Sacred Congregation, in a decree confirmed by Innocent XII, in no. 7 (see *Crocæ*, lib. 6, p. 2, no. 93), responds as follows: It is not permissible for pious institutions, or their administrators, to retain any portion whatsoever of such alms given for the celebration of Masses, for the expenses incurred in the celebration of those Masses, unless they have no other income; and even then, they must not exceed the value of the expenses that are strictly necessary for the sacrifice of the Mass itself.

And here, note another decree of the same Sacred Congregation, issued on July 6, 1726 (as found in Benedict XIV, *Notitia*, 56, no. 13), in which it was decreed: The archpriest is not obliged to provide the necessary vessels to those who celebrate in his church, by virtue of the obligation of the benefice or chaplaincy. However, with regard to Masses offered by others, he is obliged to provide these, insofar as it allows them to celebrate in his church, and he is not obliged to admit these "adventitiae" Masses unless the expenses are paid by those celebrating.

323. — 7. Those who hold benefices, even as curates, who are obligated to say Masses, can accept a stipend for them, and apply it as they wish; because they do not always have the obligation to apply them for a specific intention; unless, that is, the contrary is established, as is taught concerning the conventual Mass by *Bonæ*. Thus, C. de Lugo, d. 84, s. 1, no. 21, and Suar., *Vasq.*, etc., argue against Gaventa, Barbatus, and Dian. And Dian, p. 4, vol. 4, r. 232, reports that the Congregation of Cardinals has determined that it is not permissible for a priest to accept a manual alms for a Mass

when he is obligated to celebrate; but with regard to a conventual Mass, he himself affirms, p. 5, vol. 43, from other sources.

324. — Question 1: Can someone who is obligated to celebrate somewhere without an express obligation to apply the Masses, receive another stipend? The answer is: If it is expressly stated in the foundation of the benefice, or chaplaincy, that there is no obligation to apply for the founder, then he certainly can receive another stipend, as is stated in the decree of the Sacred Congregation, issued on July 43, 1730 (see Benedict XIV, *Notitia*, 56, no. 8), in which it is said: When it is expressly stipulated in the foundation of a benefice, or chapel, that the celebrant is not obliged to apply the sacrifice, then the celebrant can receive a new stipend, and satisfy the obligation of the benefice, or chapel, with a single Mass, and also receive a new stipend.

[*Latin ed. p. 146*]

A similar decree is found in Merati, p. 3, title 12, no. 4, promulgated on February 43, 1630. However, it should be stated, contrary to Busemb and others, as mentioned above, that if nothing is expressly stated in the foundation document, as is evident from the decree of the same Sacred Congregation, approved by Innocent XII (in Croia, no. 92, ad. 4), which states: "Priests, who are obligated to celebrate Mass on certain days by reason of a benefice, or chapel, endowment, or salary, and who have accepted alms for celebrating Masses for others, cannot satisfy both obligations with the same Mass." And (whatever Lugo may say, d. 21, no. 12), this decree was further clarified by another decree from the same Sacred Congregation on March 18, 1686 (in Bened. XIV, loc. cit., no. 9), in which it was decided that the celebrant must always apply the Mass for the soul of the testator, unless a declaration is added in the foundation document specifying for whose benefit the sacrifice should be offered. And the same was declared by the same Sacred Congregation on February 6, 1627 (see in the same Bened., no. 8), regarding chaplains of confraternities and nuns, who celebrate Mass, that they should, as confratres or nuns, fulfill the precept of hearing Mass. It should be noted here another decree of the same Sacred Congregation, issued on July 7, 1686 (see in Pittonum, in Constit. pro paroch., no. 1697), in which it was stated that chaplains and those holding benefices who celebrate Mass for the founder of the chapel or benefice are not obligated to celebrate Masses during the time when the principal sum assigned to the endowment is idle and unproductive, without their fault. And most recently, this was confirmed on August 8, 1705, in the same Pittonum. It is doubtful whether a prescription can be established regarding the obligations of Masses and the conditions stipulated in the foundation document? Laym. asserts this in l. 3, tr. 4, c. 8, no. 43, as does Nav., and also Tamb. in Meth. miss., l. 3, c. 7, §. 4, no. 4, and in Croia, l. 4, no. 852. Pelliz., Hurt., Pasqual., and Gob., along with the Roman Rota, also testify to this,

as Tuschus states there. The reason is that a legitimate prescription is valid against any right; and no exception is found in the law that a prescription cannot be established regarding the obligations of Masses. However, some of these authors, such as Tamb. et al., require a period of 20 years with a title, and 30 years without a title, in order to establish the aforementioned obligations. Others, such as Pasqual., Tuschus, et al., in Croia, say that 40 years are required when acting against the goods of the Church, according to what is stated in l. 4, no. 540. But whatever may be the case, it seems truer that the obligations of Masses and the conditions required by the founders cannot in any way be subject to prescription; firstly, because (as Corradus says, l. 2, c. 10, no. 90), the foundation document has greater force than custom; secondly, because in the case of those holding benefices, good faith can scarcely be presumed, since they can easily be presumed to have known the laws of the benefice from the foundation document; and finally (and this is the strongest reason), because in the Council of Trent, session 25, de ref., c. 5, it was decreed: "Therefore, when certain qualities are required by the erection or foundation of benefices, or when certain obligations are imposed upon them in the collation of benefices, or in any other manner..."

[*Latin ed. p. 147*]

Furthermore, with another disposition, no detriment shall be caused to them. Therefore, the Council decreed that qualities required by foundation, and burdens imposed, whether in appointment or in any other pious disposition, must never be diminished. Moreover, the Bull of Pius IV, which the Council confirms, renders invalid anything that has been done contrary to it; and the clause of the invalidating decree binds even the ignorant, and in beneficial causes, it affects the title and possession, as Croia states in book 4, number 657, with Garo, Nicol., and others concurring. Furthermore, the Bull of Innocent XIII, *Apostolici ministerii* (expanded by Benedict XIII throughout the world by another bull, *In supremo*), in number 27, states that whatever prescriptions, even if centuries old and unremembered, are not valid against those things prescribed by the Council of Trent.

Question II: On which days is the parish priest bound to offer the Mass for the people? Before the sanction of His Holiness Pope Benedict XIV, of which we shall speak shortly in number 325, there were several opinions: The first opinion stated that it was necessary daily, if the revenues were plentiful; but if they were meager, it was necessary only on feast days. Thus, Roncatius, in *De Sacrificio Missæ*, chapter 2, question 8, and he proves from several decrees of the Holy See that this was decided; and even if the parish priest does not have a suitable income, Roncatius states, with Passerini, that if a conventual Mass is offered for the people, it is sufficient, since this Mass must be offered absolutely for the benefit of the benefactors, from chapter *Cum creatura*, concerning the celebration of Mass, with Pignatelli. The second opinion stated that there is no doubt that

the parish priest is bound by divine law to celebrate for the people several times a year, as Salmotti states in *De Sacrificio Missæ*, chapter 5, page 2, number 50, with Laym, Barbos, Council, and others concurring; and this is inferred from the Council of Trent, session 23, chapter 4, on reform, where it states: "Since it has been commanded by divine precept that those to whom the care of souls has been entrusted should acknowledge their flock, and offer sacrifice for them, etc." The third opinion, conversely, stated that the parish priest is not bound to offer the Mass daily for the people; for thus, he would be bound to celebrate daily, which is nowhere prescribed. Thus, Salmotti states, ibid., number 54, with Suar, Vasquez, Barbos, Bonaventure, etc. Indeed, unless there is a specific agreement, custom, or Synod to the contrary, Navar, Suar, Barbos, and others, with Salmotti, state that it is not necessary to celebrate for the people on all feast days, but only several times a year, at the discretion of prudent individuals, as Salmotti states, ibid., number 53, or on the principal feasts of the Lord, and on Sundays, or at least once a week, as Bonaventure states. The third opinion stated that, by the force of the parish, the parish priest is not bound to apply the fruit of the Mass specifically for his flock. Thus, Paleario states, in *Tractatus*, book 22, singular part, part 13, number 7, with Navar, Suar, Vasquez, Coninch, Nal., etc., and also Lugat, Rega, Stephanus, and Gobius, apud Croia, who considers it probable, in book 3, part 5, number 762. The reason for this is that the office of the pastor is to feed the sheep with the word, by example, by the administration of the sacraments, and by the dispensation of the sacrifice; but this is done if it is applied only in a general way for all the faithful, and especially for those who are interested, and thus...

[*Latin ed. p. 148*]

They judged that it should be understood that the Council of Trent decreed this. Therefore, they declared that for all those who are priests, it is possible to receive a daily stipend, unless, that is, they are otherwise obligated by foundation, or custom, or by the order of the prelate, to offer sacrifice for the people.

325. — Indeed, today, from the encyclical letter of Our Holy Father Pope Benedict XIV, published on August 49, 1744, which begins: "Since we have always decreed that all parish priests are to offer Mass for the people, at least on feast days, even if they do not have sufficient means, with these words: 'This is our intention and judgment, as has also been judged and decided by the aforementioned congregations on several occasions, that all, and each, who are actively engaged in the care of souls, and not only parish priests or secular vicars, but also religious, should likewise be obligated to offer the parochial Mass (on all feast days, as will be explained below) for the people entrusted to their care.' And because some alleged that they did not have sufficient income, and others said that the contrary custom existed somewhere, We (thus the Pope prescribes and speaks) ex-

tend Our approval and confirmation to the preceding resolutions of the aforementioned council; and in order that it may be so, by the authority of the Apostolic See, by these present decrees, We decree and declare that, although parish priests, or others, as mentioned above, may lack sufficient income, and although an unforgettable custom may have prevailed in their parishes, whereby Mass was not offered for the people, nevertheless, it must nevertheless be entirely offered for them in the future. And although (it is added) it has been answered by the Congregation of Council that a parish priest, indeed endowed with ample income, should daily celebrate and offer Mass for the people, etc., nevertheless, since controversies have arisen on this very matter, it seems opportune to declare that it is abundantly sufficient if those who are engaged in the care of souls celebrate and offer the sacrifice of the Mass for the people on Sundays, and on other feast days of precept during the year. Furthermore, the Pope declares there that this applies even to those places and days on which the people ought to attend Mass, but may be occupied with servile works (4). Therefore, in the case where a parish priest is so poor that he must live from the alms of Masses, the Bishops are granted the faculty to dispense him, so that he may also offer Mass on feast days for those who offer alms, provided that within the same week he offers the Masses omitted for the people.

And concerning the vicars, (1) No one is unaware that not long ago, several Most Reverend Lords, Bishops from Belgium and France, requested from the Holy See whether the obligation rested on parish priests and others who have the care of souls to offer Mass for the people even on feast days, after the indult of April 9, 1803, granted by Pius VII, had suppressed or trivialized it, and that the Sacred Congregation of Council responded affirmatively to these Bishops, granting them the faculty to absolve each parish priest from all omissions, by prescribing the celebration of only one Mass. Edit.

[*Latin ed. p. 149*]

Those who are appointed to the care of souls, when a parish church is vacant, are granted by the Bishops the faculty of assigning to them a suitable portion from the fruits of the parish for the purpose of celebrating Mass for the people on feast days, even though these fruits belong to the Apostolic Chamber, and even though a portion has already been assigned to them, according to the Constitutions of St. Pius V, but which is not sufficient.

Then, the Pope, with his Apostolic authority, decreed that the conventual Mass, which is sung daily by the clergy of the aforementioned churches for the benefit of their benefactors, should be applied to the benefactors in general, for any church. And this, notwithstanding any custom to the contrary. However, if somewhere there is a custom of applying the first, and even the second, conventual Mass for the benefactors of the Church, it is declared that there is no obligation to apply the second Mass, provided

that in the Memento of the second Mass, mention is made of the deceased.

Finally, in this bull, the Pope speaks of the obligation of the canons to sing or chant in the choir, or to return the fruits of the prebends, and of the distribution, if they only assist, and do not sing or chant; by which he refuted opposing opinions. See on this matter what is said in book 4, number 675, question 3.

After I have noted these things, another question arose, which I have not yet found discussed by any author, nor have I found it published, namely, whether a parish priest who is infirm (or a Bishop, for what is said of the parish priest applies even more strongly to the Bishop), if he cannot celebrate Mass for the people himself, is obligated to have it celebrated by another? I consulted several learned men on this matter; some denied it, saying that this obligation to celebrate Mass for the people is included in the obligation to pray for the people, which the parish priest has; but since this obligation to pray is purely personal, just as the parish priest who is prevented from praying for the people is not obligated to have someone else pray for them, so too, a parish priest who is prevented from celebrating Mass is not obligated to have someone else celebrate it. But I, along with others, believe that the opposite is entirely to be held. The reason is that the parish priest is not only obligated to celebrate Mass for the people, but also to apply the Mass to the people, as Pope Benedict declared in the same bull, "Cum semper." And this proceeds according to the words of St. Paul (Hebrews, chapter 5, verse 4): "For every high priest taken from among men is ordained for men in the things that appertain to God, that he may offer up gifts and sacrifices for sins." And then he confirms this in verse 3, saying: "And because he himself also is subject to infirmities, he can, with all confidence, treat with mildness those who are brought to him by God, for their sins; and for the sins of the people; because he himself also hath suffered, being tempted." The obligation of the pastor to pray for the people is indeed personal, but the obligation to apply the fruit of the Mass to the people is also personal (because if he can celebrate it himself, he cannot celebrate it through another) (4), and also (4) This is confirmed by a decree of the Holy Congregation of the Propagation of the Faith, which on March 11, 1843, granted the Apostolic Vicar of Sylva-Ducis (Bols-le-Duo) the faculty to...

[*Latin ed. p. 150*]

It is a real obligation, as stated in the Council of Trent, Session 23, chapter 14, where it was mandated that priests who have the care of souls should celebrate Mass frequently enough to fulfill their duty. This obligation of offering Mass for the people is derived from divine law, as the same Council expresses in Session 23, chapter 4, where it is said: "Since it is commanded by divine law that those to whom the care of souls has been entrusted should acknowledge their flock and offer sacrifice for them, and preach the

divine word, etc." This divine precept is found in John (chapter 21, verse 17): "He said to him the third time, 'Do you love me?'" Just as the pastor is bound to feed his flock through preaching, the administration of the sacraments, and correction, so too is he bound to nourish them by applying to them the fruit of the sacrifice; therefore, just as a pastor who is hindered from preaching or administering the sacraments is bound to have another preach and administer the sacraments for him, so too, if he is hindered from applying the Mass to the people himself, he is bound to have another apply the fruit of the sacrifice, which is the more beneficial nourishment by which he can help the people. Therefore, while pastors and all to whom the care of souls is entrusted are bound on Sundays and feast days to celebrate Mass and apply it for the people, bishops, as the principal pastors of souls, are all the more bound to do so. However, they are not bound to do so daily, whatever may be said in chapter 6, concerning privileges, because in the same chapter it is said that the celebration of Mass, or hearing Mass (for bishops), is only a matter of decency, and not of obligation. For (the words of the text) bishops, and those above them, are often absent from their churches and dioceses, and they cannot always conveniently attend the churches to celebrate or hear Mass within them, without, for a reasonable cause, omitting any day; therefore, granting indulgence to them in this matter, they may have an altar for their sustenance, and celebrate or have Mass celebrated there, wherever it is permitted for them to celebrate or hear Mass without transgression.

327. — « 8. He who has received a stipend for this purpose is bound to say Mass for the dead, or a votive Mass, or in this, or that altar, as the one offering the money has requested (provided, however, that this is permitted by the rubrics, and that the order of the Church should not be overturned for the sake of another's devotion); because, for his devotion, and special prayers, a greater fruit is usually derived. However, if he does otherwise, it will not be a serious matter; indeed, it will be no fault at all, if it is done for a just reason. See Dian. de celebr. miss. rule 29 and 31. Card. de Lugo, loc. cit., n. 35.

328. — « 9. He who, without a just cause, does not fulfill the requirements regarding the place, time, intention, or quality of Mass, sins against the will of the founder; therefore, vicariates should be granted to pastors, so that through vicars Mass may be applied for the people in cases of true necessity, and provided that it is done for a canonical reason.

[*Latin ed. p. 151*]

Indeed, this is grave, especially if it occurs frequently; the heirs must consent, as taught by Sylv. Nav., Azor, etc. However, the bishop can dispense in this matter, as stated by Henr., Sylv., and Tamb. If someone is hindered regarding the location, they are obligated to celebrate elsewhere, as stated by Azor, t. 1, l. 40, cap. 14, and Sa, v. Missæ, Dian., l. c., r. 29, where

it is taught, citing Nav. Rodr. Fag. and Azor, that celebrating in another temple or altar is permissible when one is obligated to celebrate elsewhere. This is disputed by Cardinal de Lugo, if it is done rarely and for a valid reason. See n. 36. Moreover, it is not even venial if one who is obligated to celebrate daily celebrates elsewhere rarely and for a reasonable cause. Similarly, Tamb. de expet. sacr., l. 3, c. 2, excuses from mortal sin one who celebrates elsewhere once or twice in each month, unless they are obligated to celebrate in a privileged altar; he notes that a priest can be burdened with a certain number of Masses, for example, by prescribing a certain number of Masses for 30 years if there is possession, title, and good faith.

329. Therefore, note the following concerning the place of celebration: if a chaplain celebrates in another church, or at another altar, or at a different time than that established by the founder, he sins mortally. This is generally stated by Lugo de sacram., d. 21, n. 36; Pal., tr. 13, d. 1, p. 6, n. 26; Cont. Tourn., cap. 9, art. 2, sect. l. conel. 4; Salm. de Sacr. miss., c. 5, p. 2, n. 47, with Nav. Azor, etc., provided that this is done frequently, or without cause, or without dispensation, and provided that the founder intended that altar for a serious reason. I have said frequently, because he will only sin venially if he does so rarely, for example, once or twice a month; and even more easily if he only changes the altar and not the church. I have also said without cause; for he does not sin at all if he celebrates elsewhere for a just cause, for example, if the altar is desecrated, or because, having gone out of the sacristy, he sees it occupied by another. Lugo, loc. cit.; Salm., ibid., n. 48 and 20; and Elbel de Sacr. missæ, nam. 216, with Henr., etc. I have also said without dispensation; for the bishop can certainly dispense, so that it may be celebrated in another place, for a reasonable cause, for example, for the benefit of his own church, for the application of studies, for infirmity, or for business, or for excessive inconvenience in reaching the church, and similar reasons; as stated by Bus., Pal., loc. cit., n. 27; Conc., t. 8, p. 470, n. 26; Croiæ, lib. 6, p. 2, n. 420, with Pasq.; Salm., ibid., n. 49, with Henr.; Berò. Ant. à Sp. S. Ronæ, de Sacrif. miss., c. 8, q. 6, r. 2, with Passer and Rice; Tamb., in Meth. cel. miss., l. 3, c. 2, §. 2, n. 1; Mazzot., t. 3, p. 488, who calls it "commune." The reason is that in such a dispensation, the will of the testator is only omitted in accidental matters, and is compensated by another good. Although the Council of Trent, session 25, c. 5, de Ref., prohibits changing the qualities of foundations, the bishops can, by interpreting the wills of the testators, justly reduce them to equity; as stated by Mazzot. and Croiæ, ll. cc., with Pasq. All the more so, because the same council, session 25, c. 4, expressly grants to prelates, in certain cases, even to completely change the last wills. However, Croiæ and Tom. IV...

[*Latin ed. p. 152*]

During Eastertide, they say that in our case, it is not possible to dispense with Bishops, if the testator, by designating the Church or the hour in

the foundation, has especially considered the convenience of the people attending Mass. Furthermore, I have said that, provided the founder has destined that altar for a grave reason, such as for the memory of someone, or for the benefit of the family, or of the people, or for a special cult of a Saint, and similar things. For if it has no special purpose, or if the reason has ceased, namely if the family is extinct, or is living elsewhere, then the priest, by changing the altar, will only venially sin; and not even venially, if the Mass is to be celebrated in a privileged altar, because there it is better to consult the founder; thus Lugo, n. 36 and 37, and Cont. Tourn., loc. cit. Moreover, it should be noted that, according to P. Ferraris, *Bibl. verb.*, Capellania, n. 14, several decrees of the Holy See are cited, in which it is stated that for such a dispensation, the Apostolic See must always be consulted. Note II: If someone, having received a stipend, is obligated to celebrate Mass in a privileged altar, and celebrates it in another, he is not bound to make restitution of the stipend, but only to apply indulgences applicable for the dead; thus Elbel, n. 210, with Anacl. and Babenst. Sporter, n. 137 and 355, and Ronc., c. 6, q. 7, r. 4 and 2, who adds that there is no obligation to make restitution if the alms given was ordinary, but rather if it was substantial. However, it is not sufficient for one who celebrates in another, non-privileged altar, to apply the indulgences of the blessed calculation, the image, etc., because these indulgences are not as certain as the indulgences of a privileged altar, as they say, Salm., tr. 5, c. 5, p. 2, n. 21, with Nav., Azor, Bon., Dian., and Dic. And the same is the opinion of Lugo, d. 21, n. 39, and Salm., tr. 3, c. 5, p. 2, n. 22, with others in common (against Dian., Pasq., Megal., etc.), regarding the blessed calculation with an indulgence for freeing a soul from purgatory in the celebration of Mass. 330. - 40. The beneficiary is obligated by justice, under a mortal sin, and with the penalty of compensation, to the number of Masses, either by himself, or (as the founder's intention, gathered from the words, permits) at least by another. Unless it is expressed in the foundation of the chapel that the chaplain himself should celebrate, he can always celebrate through another. Thus, Salm., ibid., n. 33, with Dic. and Dian., part. 4, tr. 4, r. 87, teach correctly, who, with Campanili, testify that it has been declared so by the Holy See. And so, it was also decided by the Sacred Roman Rota, apud Pitton, de Paroch., n. 4474, who in n. 4514, cites another declaration of the Holy See, published (September 17, 1683). The number of Masses required is that stated in the letters of foundation; but that number, for a just cause, e.g., if the revenues no longer sufficiently suffice, can be reduced. The Bishop in Synod: which Bonaventure restricts to Masses for the dead, and indeed those imposed after the Council of Trent. See Bonac., d. 4, q. ult., p. 8. 331. - The reduction of Masses today can only be done by the Apostolic See, and not by Bishops, as it is clear from the decree of the Holy

See, published by order.

[*Latin ed. p. 153*]

Urban VIII, and confirmed by Innocent XII (see Croix, book 6, part 2, number 63, verse "Ac primo"), where it is stated thus: "He strictly prohibits that Bishops, in diocesan Synods or in general Chapters, or by any other means, reduce any obligations of celebrating Masses, or those imposed after the same Council, or at the very foundation [of the endowment], but for all such reductions, modifications, or alterations, recourse must be made to the Apostolic See, etc. Otherwise, any reductions, modifications, and alterations of this kind, if any should occur contrary to this prohibition, are declared to be entirely null and void." However, the faculty, as clearly explained by the same Decree (whatever Salm. tr. 15, on the state of religious orders, chapter 7, page 5, section 8, number 148 may say), granted by the Tridentine Council, session 25, chapter 4, to Bishops and others, was only for reducing the number of Masses *before* the Council, and not those imposed at the foundation. On the contrary, in the very Decree of Urban (see Croix, number 89), it was declared that Bishops can indeed reduce the number of Masses, if the testator expressly grants them this power. The reasons for which the Apostolic See usually reduces the number of Masses are: the scarcity of priests, the inadequacy of the endowment, or an increase in the current endowment, a reduction in the monastery's revenues, or greater necessary expenses for sustenance, etc.; finally, if necessity compels the brethren, or the fabric of the Church, or the monastery (thus Pal., page 15, number 3; Wigandt, tr. 12, number 80; and Salm. tr. 15, page 5, section 8, number 144, with Az. Philib. Barbosa, Lez., and others).

Doubt 4: Can a Bishop diminish the number of Masses whose obligation he undertakes because of the inadequacy of alms? Croix (number 119) affirms this, along with Pasq. and Tamb., but it must be denied, following the decree of the Holy See cited above, where it is declared that Bishops cannot in any way reduce or moderate the obligations of Masses; and the same Holy See expressly declared this in another decree, which the Council, in the aforementioned place, cites again, and which was further confirmed by another decree issued on July 20, 1682. But this must be understood, as Fagnanus states in chapter "Ex parte, de constit.," number 28, along with Felino, when previously such obligations of Masses could be fulfilled, either legally or in fact, but in the case where the revenues were initially sufficient, and afterwards diminished to such an extent that they are in no way sufficient to bear the expenses, then Fagnanus does not see that the faculty granted to Bishops, which they have by common law, to moderate or alter the number of Masses, is removed, following chapters "Nos quidem, de testam." and from the Tridentine Council, session 25, chapters 4 and 8, where it is granted to Bishops, that together with the heir or executor, they may alter the last wishes for another pious purpose.

Doubt 2: Can a chaplain, of his own accord, diminish the number of Masses if the revenues are lacking? If the revenues are completely lacking, without his fault, it is certain that he is not obligated to celebrate Masses, as commonly stated by Croix, book 4, number 855; Tamb., "Meth. miss.," book 3, chapter 1, section 2, number 2, and section 3, number 89; and Ronc., chapter 8, along with Pa-

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Squilace and Passerini, and Escobar, book 21, number 637. And this was declared by the Sacred Congregation, as we said, number 324, in fine. Moreover, if the income is deficient in part, it also seems certain, according to Escobar, number 638, that the chaplain can reduce the number of Masses, in the case where the testator has designated a suitable alms, for example, a certain sum for each Mass; because, just as the number of Masses would have to be increased if the income were increased, so it must be decreased if the income is decreased. A greater difficulty arises: can the chaplain reduce the number of Masses if the testator has designated a number of Masses and the ordinary stipend is still lacking? Tamburrini, book cited, number 1 and 2, deny this. Also, Dian, page 40, treatise 46, reply 65; Mazzola, volume 2, page 427, number 5; Paleari, volume 2, treatise 3, division 1, page 6, number 23; and Salm, on the status of religious, chapter 7, page 5, paragraph 9, number 152, agree with Azor, Gavotti, Philibert, Pell, and Lezana. They say that, for this moderation, one must always refer to the Apostolic See, both because of the aforementioned decree, in which it is said: "After all these reductions or moderations have been made, one must refer to the Apostolic See"; and also because of another decree (see Croia, number 89), where, to the question: "What if the endowment is so small that, if someone wants to undertake the burden imposed upon him, and if one must refer to the Apostolic See for the moderation of the burden, would it not be necessary to expend almost all of it on the expenses necessary for that purpose?" it was declared: "Although the endowment may be so small, nevertheless, for the reduction of the burden, as mentioned above, those to whom it pertains must refer to the Apostolic See, which will establish this without any expense." However, they add, with Busembach, as mentioned above, and Francis of Lugo, book 5, on the sacraments, chapter 42, question 9, number 98; Escobar, book cited; also, Bordon, in Croia, number 118; and Pasquati and others, in Roncaglia, in the same place, who in Register 3, in practice, consider it probable. The reason for this is that it is considered to be in accordance with the intention of the testator, who is not presumed to have intended to force the chaplain to celebrate Masses gratuitously, or with a smaller stipend, or to supplement the stipend from his own goods, if he were to celebrate through another, otherwise the will of the testator would be unjust, and that should not be the case. But because it is easy for error to intervene in this matter, Roncaglia observes that, generally speaking, one

must refer to the judgment of the Bishop (which is necessarily required by Croia, book 4, number 855, and Contenson, Tournhem, chapter 9, article 2, section 4, see question 13), or at least to learned and pious men, who, not authoritatively, but as a just arbiter, will moderate the number of Masses. Roncaglia, with Pasquati, responds to the aforementioned decrees, saying that in such a case, this is not properly a reduction or a stable moderation, which the Apostolic See reserves for itself, but rather a cessation of the obligation de jure, in proportion to the deficient income; for the decrees speak according to the mind of the Council of Trent, session 25, chapter 4, on reforms, where the subject is not already a reduced income, but a small alms designated from the beginning for the Masses, which it is not easy to find someone who wants to celebrate, and of those, in their entirety, because of the smallness of the stipend, or the scarcity of priests, a reduction would be made. And so on.

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However, this opinion may be considered probable, and I submit the judgment to the wise. Furthermore, if this opinion holds true, then it must be maintained, as Tamborini states in his *Dictiones*, chapter 1, section 3, number 96, namely, that if a chaplain has received a larger stipend in past years, he is obligated to compensate, by celebrating the same number of Masses, for the reason that if he previously enjoyed a greater benefit, he should now endure a corresponding disadvantage. The third question is: Can the Bishop regulate the offices, prayers, and elections associated with anniversaries? Tamborini denies this in *Crociae*, number 124. But Pasqualis argues otherwise in the same place, because the prohibition does not speak of these things, but only of the reduction of Masses; nor does it apply to those Masses to which a priest has obligated himself without a corresponding stipend; for this would be prejudicial to the Church and to successors. But this latter point cannot be admitted in any way, because it would be contrary to the decrees mentioned above in question 4, paragraphs 332-44. He who is obligated by a benefice to celebrate daily is also obligated to offer Masses for the founder (unless there is evidence to the contrary of this intention), as Bonaventure and others state in the *Dianae*, page 6, volume 6, chapter 43. However, they concede that he may offer them for himself four or six times a year, "or for someone very closely connected to him, or a dearest friend, or benefactor; for it is presumed that the founder consented to this, as Salmeron states in *De Sacrificio Missae*, chapter 5, page 2, number 36, with Leander, in the *Dianae*, Stephen, Naldini, Philibert, and others, throughout. Provided, of course, that a stipend is not received, as Holzapfel correctly points out in number 351, and Elbel in number 215, with Pasqualis and Gobius, and Salmeron in *Tractatus*, 5, chapter 5, page 2, number 38, with Bonacini, Gavantus, in the *Dianae*, and the common opinion, contrary to Vidal, because this would be contrary to

the intention of the founder." And on the day of commemoration of all the dead, he should offer a Mass for a particular deceased person (see below, number 338). Also, he may omit one Mass each week out of devotion and reverence, and this is presumed to be the intention of the founder: which Tamborini limits in *Locus Theologicus*, 3, extraordinary part, chapter 3, section 1, and Gavanti in the *Dianae*, page 3, volume 42. This is only limited, unless it is known that the founder intended otherwise, or if it is the obligation of the Church or monastery to ensure the daily Mass. See Tamborini in the *Dianae*, page 2, volume 14, chapter 28, and page 4, volume 4, chapter 86, and page 5, volume 5, chapter 23, and volume 13, chapter 51. The same limitation is made by Cardinal de Lugo in *Moralis*, book 5, chapter 9, if the obligation is directed to the priest himself, for example, if it is stated (that he who is obligated must celebrate daily), in which case he concedes. (Similarly, Salmeron states the same in *ibid.*, number 37, in common with Suarez, Bonaventure, Azorín, Leander, Sylvestrini, and others, in the same context. They state that a chaplain is obligated to celebrate daily, with due honesty and devotion. However, Bonacini in chapter 8, question 3, points out that on no day can the chaplain be excused if it is expressly stated in the foundation that the Mass must be celebrated by himself or by another, as he declares. See the Sacred Congregation, May 30, 1699.) If, on the other hand, the obligation is directed to the celebration in a particular place, for example, if it is stated, "I wish that a Mass be celebrated daily in this church," then...

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• If someone is unable to fulfill the foundation's requirements on a particular day, they are not obligated to find a substitute for that day. (Thus, Psalm [reference not provided] is commonly understood with others.)

42. If someone is unable to fulfill the foundation's requirements due to illness, they are not obligated to provide a substitute, if the illness is brief, for example, 45 days, as taught by Bonaventure, or even one or two months (as is probably taught by Cardinal de Lugo, number 49), since even honest lords do not treat their servants so strictly; however, if the illness is prolonged, unless their income is extremely meager or is consumed by the illness, as Bonaventure, Rodriguez, and Sylvestri, and Azor teach. If someone is truly prevented from other legitimate business (although these should not hinder the founder), they should fulfill the requirements through someone else or compensate later, especially if it happens frequently. Thus, Bonaventure, part 4, question last, page 7, number 333.

— It is questioned whether a chaplain who is ill is obligated to temporarily pay another person to celebrate Masses. The common opinion (contrary to Henriquez) is that they are not obligated if the illness is brief, as with Busembach; here, Lugo teaches in part 21, number 48; Salm teaches in part

5, chapter 5, page 2, number 34, with Dicasterium, Dian, Lez, etc.; unless the founder wishes to ensure that Mass is not omitted in that place, etc.

What, then, constitutes a brief illness? Some say it lasts for ten days, as Barbos, Molfes, Graff, etc., teach. Others extend it to 45 days, as Bonaventure and Dian teach, as well as Elbel, page 434, number 214, with Anaclasius. And on this matter, there is a declaration from the Sacred Congregation, issued on November 47, 1695 (in Pitton, on parishes, number 4595), in which it is stated that a chaplain is not obligated to have someone else fulfill his duties during an illness that does not exceed 45 days. Others extend it to a month, as Layman teaches in chapter 3, number 7, and Salm teaches in the same place, number 35, with Hurtado and the Council of Milan, title 7, on Masses, where it states: "If a chaplain has celebrated Mass for at least a year in a certain place, even if he is ill for a month, he can still validly receive the monthly stipend, according to the judgment of the Bishop." Finally, others extend it to two months, as Lugo teaches in number 49, with Navarret; also, Philibert, Diccionario, Naldini, Leandrus, and Antonius à Spina, as in Salm, in the same place, near the end, and the Council agrees, page 474, number 34, and Busembach, as mentioned above, and the Dicasterium Palatii, Navarret, etc., as in Salm, in the same place, at the end, seem to consider this probable. All of these opinions seem to be probable. Note here, in passing, what Benedict XIV stated in *De Sacris Missis*, book 3, chapter 23, number 2, that the Sacred Congregation had prohibited the offering of thirty Gregorian Masses, because they were not suitable for the circumstances.

Whether it is permissible to receive a stipend for the first Mass that a newly ordained priest celebrates with the Bishop? See the statements in number 829. See also: *An autem*.

DOUBT II. To whom is the fruit of the sacrifice to be applied?

334. To whom should the fruit of the Mass be applied? Can a religious person validly apply the Mass against the will of the prelate?

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335. The application [of the Mass] must be made before the celebration.

Q. 1. Is a habitual application sufficient?

Q. II. If someone has received stipends from various sources, is it sufficient to apply the Masses for them in a general way?

335. What if the application is made for someone who is not capable of receiving it, or for no one at all?

337. Can a conditional application be made? And if an application is made for the first offerer, but it is illicit, is it valid?

338. On the Feast of All Souls, is it permissible to apply a Mass for the benefit of particular souls from a stipend?

339. Concerning the altar of privilege.

Q. 1. Is a Mass for the Dead required to obtain these indulgences?

Q. 2. How should the clause be understood: "Provided that seven Masses are said daily in the church"?

Q. 3. How should the clause be understood: "Provided that there is no other altar of privilege in the church"?

334. — ANSWER: Only the priest offering validly performs this act through his intention, because it is an act of priestly power. Thus, the Common [Pronouncements], Suarez, d. 14, s. 10, n. 211, etc. Therefore, it is resolved: 1. He validly applies [the Mass], even if he sins by offering or applying [it] against the will of his superiors. Thus, Suarez, Laym., Diana, Card. de Lugo, loc. cit., against Navar., Ledes., and others, whose opinion is considered probable by Diana, t. 14, r. 72. The question is asked: Can a religious [person] validly apply a Mass against the will of his superior? The first opinion denies this, and is held by Scotus, Quodl. 20; Gav. in Rubr. Miss., p. 3, tit. 12, n. 28; also Gabr. Arm. and others, apud Cont. Tourn. de sacrif., cap. 9, art. 2, sect. 9, in fin. v.; Grave, and Cordub. and Led., apud Diana, p. 2, tr. 14, r. 72, who consider this opinion probable. The reason is that the will of the religious is subject to the will of his superior; therefore, just as the superior can invalidate contracts and the vows of his subordinate, so also he can invalidate applications of Masses. The second opinion, which is more common and more probable, says that such an application by a subordinate is indeed illicit, but not invalid, and this is held by Busemb., Suarez, d. 79, s. 9, v.; Sed circa, Laym., c. 2, num. 11; Lugo de Euchar., d. 49, n. 211, who says that the opposite opinion is almost rejected by all recent authors; Salm. de Sacrif. missæ, c. 3, p. 3, n. 25; Anacl., p. 576, num. 72; Spor., n. 289; Cont. Tourn., l. c., with Vasq. and Elbel, p. 149, n. 180, with Mastrio, Croiæ, and Gob. The reason is that a subordinate, as long as he uses the power of his order (as is the case here), is least subject to the will of his superior. Marchantius limits this in Tribut., qu. 2, d. 2. If a priest were to make an application based on a pact made with the offerer, because just as a pact without the will of the superior is null, so also is the application. However, this must be understood in the sense that the subordinate would bind the application to the pact in such a way that he absolutely intended not to apply [the Mass] if he did not fulfill the obligation contracted (which Sporer rightly says rarely happens); but if he absolutely applies [the Mass], without restricting his intention.

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For the satisfaction of the agreement; then he validly applies, by virtue of the general power he has to apply the sacrifice to whomever he wishes, even if, through error, he applied the Mass for an obligation contracted. 335. — 2. The sacrifice, which has not been formally or virtually applied to anyone, either before or during the consecration, at least concerning the second species, cannot afterwards be applied to anyone, at least adequately,

because it produces its effect when it exists, and that effect is not suspended; therefore, it is not permissible to receive a stipend for a Mass that has already been offered. See Laym. l. 5. t. 5. c. 2. I said, "either before"; because it is not required that the application be made in the very sacrifice: it is sufficient if it was made the day before, even if he does not think about it on that day. Bon. qu. 3. p. 2. ex Suar. Dian. l. c. r. 47. contra Vasq.

It is asked: I. Is a habitual application sufficient to apply the Mass, namely, one that has been made at some time and has not been revoked? Vasq. de sacram. d. 38. c. 6. n. 74. and Abelly de sacr. miss. §. 5. n. 5. deny this, saying that just as an actual or at least virtual intention of the minister is required for consecration, so also it is required to apply the fruit of the Mass. But it is truer, and commonly affirmed by Suar. 3. p. d. 13. sect. 3. v. Dico 2. Bon. de Sacr. d. 4. q. 3. p. 2. §. 3. n. 41. Lugo eod. tit. d. 8. n. 93. cum Molf. et Dian. item Cont. Tourn. ibid. v. Quær. 6. R. ad 2. Holzm. p. 5. num. 22. v. Dices, Elbel p. 448. num. 474. Mazz. de sacr. miss. t. 3. p. 168. Sporer eod. tit. num. 340. cum Gob. who testifies that this is the practice of all, and Croiæ l. 6. p. 2. num. 205. cum Con. Tamb. et Pasq. And this doctrine is not dissimilar in substance from P. Conc. t. 8. p. 473. n. 36.; for, although it requires a virtual intention, that virtual intention (in the way he explains it) coincides with our habitual intention; for he says that if someone receives 20 alms and begins the celebration today with the intention of celebrating for the giver on subsequent days, then the first intention is sufficient; even if, on the other days, he is distracted and does not renew it. Our reason is that the application of the Mass takes place in the manner of a verbal donation, which, once made, is valid until expressly revoked. The objection to the contrary is that in the sacraments, an actual or virtual intention is required because the intention effects the sacrament, or actually flows into its constitution; but in the application of the Mass, the intention does not effect the fruit of it, since the fruit arises from the celebration of the Mass even without application, and therefore a habitually made application is sufficient, by which the fruit was donated to someone.

It is asked: II. If someone receives a stipend from ten people for ten Masses, does he satisfy the obligation by applying the first ten Masses that he reads for them in a general way? Sylvius, apud Bon. d. 4. p. 7. §. 3. n. 4. and Conc. t. 8. p. 474. n. 38. deny this. But it seems better to make this distinction: If each sacrifice is applied to each person indeterminately, it does not seem...

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It is sufficient, whatever Aversa and Diana at Croix, book 6, page 2, number 209, may say, that what is required for satisfaction is the intention of applying the fruit to a specific person, so that it may benefit them; therefore, just as one would not consecrate, who were to repeat the form of consecra-

tion ten times over ten hosts, with the intention of consecrating with each form only one host among them in a confused manner; so too, one does not satisfy by applying ten Masses indeterminately. However, if a priest intended to apply each Mass to all ten persons, by applying the tenth part of each Mass to each individual, there does not seem to be a reason why it would not suffice, since no one doubts that the fruit of the sacrifice is divisible, and therefore is given to each person what is due to them; for each person, by receiving the tenth part in each Mass, receives the full fruit of the tenth Mass during the celebration of that Mass. And thus, Bonaventure, Roncaglia, and others hold, as cited above. Against this, Paschasius and Possevin (336).

* 3. If the fruit is not applied to anyone, or to an incapable person, the fruit remains in the treasury of the Church, as Suarez teaches, or it goes to the priest himself, or to those for whom it is specially offered, which is implicitly considered to be intended. Thus, Layman. Volume 5, chapter 2. See Cardinal de Lugo, number 215. If the fruit of the sacrifice is applied to an incapable person, then it remains in the treasury of the Church. In practice, however, when there is doubt as to whether the person for whom we offer is capable of receiving the fruit, it is advisable to apply the Masses, in the case of free Masses, to ourselves or to another, under the condition that, if the person to whom they are applied is not capable, in the case of Masses that are due as a stipend, because it is probable that the fruit goes to the benefit of the relatives of the one offering, by his implicit will, therefore, we cannot apply the fruit to whomever we wish, unless under the condition that no prejudice be done to the one to whom the obligation of applying the fruit exists; thus, Elbel, number 194, and Sporer, number 284, with Marchant (337).

* 4. An application, under a condition already fulfilled, is valid, for example, to the intention that the superior had today; but not under a condition that is to be fulfilled in the future, for example, to the one to whom Titius, when asked, wished to apply it; or to the one who will die first; or to the one who will first offer a stipend; thus, Suarez, in the third part, volume 3, division 79, section 9. Layman, ibid. Diana, ibid., rule 15. Cardinal de Lugo, division 49, number 209. Against this, Bonaventure, question ultimate, page 7, section 5, who, however, himself dissuades from this in practice.

* 5. One does not satisfy by celebrating Masses for the dead, thinking that the person is dead, which Masses are required for the deceased.

* 6. Priests of the Society do not satisfy by celebrating Masses for the dead through anticipation, unless the person is already dead, even if the Masses are later announced. Layman, ibid. Lugo de pon., division 43, number 137, and Paleari, page 6, state that the application of the Mass made for the first offerer is valid, but illicit, due to the prohibition of Clement VIII, which was

promulgated by Paul V on November 45, 4605.

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Having known this custom, which, under various names, is dangerous, exposes the faithful to scandal, and deviates too much from the ancient practice of the Church. However, it is more probable (as Croia rightly says, n. 222) that such a practice will not only be illicit, but often invalid, because it often happens that the Mass is said for a cause that does not yet exist, for example, if the one offering the stipend requests a Mass for release from prison, from illness, etc., and since that cause does not yet exist, the effect of the Mass should remain suspended, which does not seem credible. However, it is well noted by Cont. Tourn. de sacrif. cap. 9. art. 2. sect. 4. v. Quær. 8. If, however, when in Aversa and Quarti, it is the case that a priest foresees that Masses will be requested for a deceased person, he can well offer them now, and then receive the stipend, because in this case they are offered for a specific person. 338. — "7. Not all priests are required on All Souls' Day to apply the Mass for all the deceased." Tamb. l. 3. exp. sacr. c. 3. §. 2. contra praxim, and Gav. p. 4. t. 15. (Regarding this, there is the Decree of the Holy See apud Merati, index n. 441, published on August 4, 1663, where it is stated: On the day of commemoration of all the faithful deceased, sacrifices can be celebrated by priests and applied at their discretion, either for all the faithful deceased, or for some only. With this decree in place, Cont. Tourn. rightly says in the aforementioned place, v. Quær. 41, that nothing prevents a stipend from being received for such Masses.) 339. — "8. A Mass celebrated on a privileged altar for the deceased does not benefit them; nor does it satisfy the indulgence, unless it is a Mass for the repose of the soul." Dian. p. 4. t. 4. r. 233, from the declaration of the Cardinal, and p. 9. t. 2. r. 8. This privilege of the altar consists in freeing the soul from purgatory through the indulgences, or the fruits, which are in the treasury of the Church, for which the Mass celebrated on that altar is applied; and this by the power of the keys, which the Pope has to apply indulgences, to the living in the manner of absolution, and to the deceased in the manner of suffrage or remission. Question 1. Is it always necessary to celebrate a Mass for the repose of the soul in order to gain the indulgence of a privileged altar? Answer: Negatively; for although in the year 1604, on June 4, the Holy See responded affirmatively, as Dian. p. 4. tr. 4. r. 233 states, nevertheless Alexander VII, on January 22, 1667, in a decree beginning with Creditæ nobis, declared that on those days when Masses for the repose of the soul are not permitted, Masses for the current feast have the same indulgences as Masses for the repose of the soul: and this extends to privileged altars, even those not perpetual, and for any day of the week. Then, Innocent XI, on May 4, 1688, declared that this is also valid on Sundays, and on the days within the octaves of Easter, Pentecost, Corpus Christi, and other annual days, on which Masses for the repose of the soul cannot be celebrated.

Finally, Clement XI, on September 29, 1714, confirmed all these decrees. (See the aforementioned decrees apud)

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It is gathered from all these things that Masses celebrated at a privileged altar, either perpetually or for a time granted, benefit the deceased, whether they are said for the Requiem or for the current day, when it is not permitted to say them for the Requiem. However, if a semi-double feast is being celebrated, it is absolutely necessary to say the Mass for the Requiem at the privileged altar; otherwise, the indulgence is not acquired, even if the solemnity is celebrated in the church, according to a declaration of the Holy Congregation, as reported by Father Zaccharia in Croia, volume 6, page 2, number 509. Furthermore, when a privilege is granted for a time, the Holy Congregation declared (in a decree cited by Croia, volume 6, page 2, number 525) that the time begins not from the day of publication of the brief, but from the day of the concession.

Question 2: What if, in a church where a privileged altar has been granted for a certain time, seven or five Masses are not said according to the clause that is usually added to indulgences? Sylvius, in Croia, number 522, believes that the privilege also benefits the deceased, even if these Masses are not said even three times. However, Benedict XIV, in Notification 56, number 16, citing a decree of the Sacred Congregation of the Council, issued on September 14, 1694, and approved by Innocent XI, who ordered it to be made public, stated that the celebration of Masses, as prescribed by the aforementioned indulgences, is absolutely necessary each day in the same church. However, the same Holy Congregation, in another decree on July 30, 1706 (inserted in the Bullarium of Clement XI), declared that, for the time during which religious or secular priests, for a few days or months, do not celebrate the prescribed Masses due to absence, the indulgences are not lost, but are suspended for that time. Furthermore, it declared that if the Masses are not said due to the infirmity of the priests, or because the religious are obliged to celebrate elsewhere on the occasion of a feast or funeral, if this happens rarely, the indulgences also benefit the deceased. See the aforementioned decrees in Benedict XIV, loc. cit., number 17, and in Sporer, volume 3, page 258, who presents them in detail.

Question 3: How is the clause to be understood if another privileged altar is not erected in the church? It is probably understood by Sporer, page 258, number 133, and Gobat, number 519, that if a privileged altar was previously granted generally for any deceased, and this is not expressed in the second petition, a subsequent concession, even if made generally, is invalid; otherwise, if the concession is made for certain particular persons. And similarly, it seems that the same should be said if the first concession was particular, and the second is general.

(1) Now, the Sacred Congregation of Indulgences, on April 11, 1840, established a doctrine. In this, among other things, it answered the following questions: "Is it necessary for one who has a personal privilege for four Masses each week to celebrate them with black vestments on days that are not prohibited, in order to obtain a greater indulgence for the souls of the deceased?" Answer: "No." "Is it necessary for one who celebrates at a privileged altar each day to always use black vestments on days that are not prohibited, in order to acquire the indulgence of the privilege?" Answer: "No."

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It should be noted here: 1. That the privilege of the altar *privilegiatum* is not communicable through a general communication of privileges, according to a decree of the Sacred Congregation of Indulgences, given on February 5th, in the year 1748, and approved by Benedict XIV on March 2nd of the same year; as reported by Father Ferrarius in *Bibliotheca*, volume on Indulgences, in Appendix number 15. It should be noted 2. That Clement XIII, after a prior vote of the same Sacred Congregation, on May 19th, 1719, granted to all parochial churches the privilege of a daily altar *privilegiatum* for seven years; upon the expiration of this period, he ordered all Bishops, abbots, and capitular vicars, to request for their parishes the confirmation of the same privilege for another seven years. See Ferrarius, *Bibliotheca*, DOUBT III. When, and how often is it permitted to celebrate? 340. Is it possible to say Mass before dawn, or after midday? 341. From what time does dawn begin? Is the time of dawn to be morally understood as a certain time of midday? 342. What about the privileges of religious? 343. Cases in which it is permitted to celebrate before dawn, or after midday. Can all three Masses be said before dawn on the night of Christmas? 344. Is it permissible to anticipate Mass or postpone it because of a feast day, or for health reasons, or by dispensation of the Bishop? 345. Does one commit a grave sin by celebrating before dawn, or after midday? 346. What is the matter in this case? 347. What sin is it to celebrate before Matins? 348. What if it were a conventual Mass, and a solemn Mass? 349. Is it permissible to celebrate (and administer Communion) on any day of the year? 350. Is it permissible to celebrate privately on the day of the Lord's Supper, and on the holy Sabbath? 351. Is it permissible to celebrate more than once in a day, and when? 352. Is it ever permissible to interrupt Mass, or to begin anew? 353. If a prince, or a crowd of pilgrims, should arrive? Or if a priest remembers some impediment? 354. If there is an urgent necessity, either one's own or another's? 355. How should a Mass that has been interrupted be completed by another priest?

340. — ANSWER: 4. Ordinarily, it is not permitted to celebrate after midday, but it should begin before noon; nor before dawn, except after the fourth hour of the night, as Henriq., and Coninc. say; the middle hour,

Az. says, the hour with a quarter, Suar. and Fernand. say, and Possev., say an hour and a half, and consequently, as according to Henriq., Suarez, and others, Mass can begin two hours before sunrise, so that it can begin two hours before sunrise, it is permissible to begin two hours before sunrise. Thus, Rodriguez, and others. From this, some infer, with Suarez, that if religious have the privilege of celebrating an hour before daybreak, it is permissible to begin three hours before sunrise: which Cardinal de Lugo, in section 20, number 32, does not disapprove of, although Laym. only allows two hours after midnight. Cardinal de Lugo, *loc. cit.*

[*Latin ed. p. 163*]

At any hour it is permissible (whether with or without a special privilege) to celebrate, and likewise in the Mass, so that on the night of the Nativity, and on other days, it is permitted for them to minister the Eucharist to others, contrary to Bordon, as Diana teaches, page 9, volume 7, section 43. (But this is now a matter of opinion. See on this matter, book 6, number 252, and so forth.)

In the rubric of the Missal, number 45, it is stated: "A private Mass, at least after Matins and Lauds, can be said at any hour from dawn until noon. Therefore, it is not permitted to celebrate before dawn, which is no longer understood as the rising of the sun, but as the time between night and day. Hence, Salm, treatise 5, chapter 4, page 1, number 33, states that it is permissible to begin Mass almost two hours before sunrise; but it is better, as Croix says, book 6, page 2, number 226, and as Cont. Tourn. chapter 9, article 2, section 5, question 1, and as Benedict XIV, notification 12, number 12, state, to calculate dawn according to the variations in time, according to the tables that are usually provided for the directors of divine office. Croix and Cont. Tourn. assert that in the month of June, dawn begins almost two hours and a quarter before sunrise; in the months of February and September, one hour and a half; in the month of March, one hour and a quarter; and in the other months, one hour and three quarters. All agree with Lugo, decree 20, number 37, Cont. Tourn., book cited, question 2 and 3, Wigandt, treatise 15, number 52, Bonac., page 9, number 2, and Salm., treatise 5, chapter 4, page 1, numbers 33 and 42, who cite Suar., Navar., Sa, Henr., and others, that there is no fault in ending Masses at dawn, and in beginning them a little before noon; the reason being that the time of dawn, as well as that of noon (of which we shall speak below, number 345), must be understood not mathematically, but morally. And although, as Benedict XIV, notification 12, numbers 3 and 4, states, Clement XI formerly ordered otherwise in a certain edict, in which he said: "We command that Masses not be begun before dawn, and that they be completely finished by midday" (1), nevertheless, later, when this point was again entrusted to examination, Benedict XIII approved that a latitude of a third of an hour could be tolerated both before dawn and after midday; and this was made

public by an edict under Clement XII (according to Benedict, book cited).

Regarding religious orders, Lugo, decree 20, number 27, states that they have more privileges, by which the rules allow them to celebrate two hours after midnight; also, Salm., ibid., number 32, states that there is a privilege of Eugene IV to celebrate three hours after midday for a just cause. But whether such privileges have been revoked by the Council of Trent? Fagundez and others, apud Lugo, number 29, affirm that in the aforementioned council, session 22, decree concerning what should be avoided in the celebration of Mass, it is prescribed: "Ordinary pastors should take care that priests do not celebrate at times other than those prescribed... notwithstanding" (1).

(1) That is: "We prohibit Masses from being begun before dawn, and we command that they be completely finished before midday."

[*Latin ed. p. 164*]

With certain privileges. However, Wigandt, volume 45, number 5, and Lugo, ibid., along with Rodrig. Salas, Diana, and others, deny this, and Roncaglia, chapter 5, question 8, with Tamb., believes it is probable, because the Council of Trent only instructs bishops to ensure that the aforementioned regulations are observed; therefore, where the bishops do not object, there is no reason why the religious should not enjoy their privileges. But, notwithstanding this, the opposite must be held to be true, according to the decree of Clement XI, issued on December 4th, 4703 (fully detailed in Croia, number 258), where the Pope declares that the privileges granted to religious orders regarding the celebration of Mass have been completely revoked by the Council of Trent, in the aforementioned decree of session 22, chapter 1. And although Clement speaks only of the privilege of the altar, it is undoubtedly clear from this declaration that the privilege of celebrating Mass outside the prescribed hours, which the Council expressly commands all priests to observe, has also been revoked, notwithstanding (as mentioned above) any privileges whatsoever.

343. — "I have said, ordinarily, because there are circumstances in which it is permissible to begin Mass even a little after midday, for example, at one or two o'clock, as Sotus and Palearius also state, for any reasonable cause, for example, due to a public supplication or sermon extended beyond midday, due to the funeral of a prince, or because the priest was hindered by travel on a feast day, in which case they say it is permissible to begin even a full hour after midday. See Laym., loc. cit., Fer., here, chapter 3, 4. In cases of necessity, for example, to give the dying the Eucharist, it is permissible to celebrate Mass even in the middle of the night, as Diana states on page 4, volume 14, part 33, citing Laym., etc. (along with Lugo, dispute 20, number 25, and Salm., treatise 5, chapter 4, page 4, number 27, along with Vasq., Palearius, Hurt., etc., in general). 2. Where it is customary for artisans and servants to remain until late in the day to hear Mass, Laym., book 5, volume

5, chapter 4, number 3, citing Nav., etc. (See Diana, page 2, volume 14, part 34), it does not, however, follow that it is permissible to celebrate Mass after midday. 3. By privilege, as mentioned above. 4. On the night of the Nativity, it is likely that Suarez, Laym., Diana, page 4, volume 4, part 236, teach that all three Masses can be said before dawn, contrary to Sylv., Fern., and others. (Lugo, number 25, Salm., ibid., number 26, along with Fagund., and Nugno.)

Queries: Is it permissible on the night of the Nativity of the Lord to recite all three Masses before dawn? Suarez, chapter 80, section 4, paragraph 3, Lugo, dispute 20, number 25, Salm., treatise 5, chapter 4, page 4, numbers 40 and 26, and Diana, page 4, volume 14, part 35, along with Vasq., Laym., Molf., etc., affirm this. Because (as they say), in chapter "On the Holy Night of Consecration," distinction 4, it is absolutely granted that priests may celebrate Mass on the night of the Nativity. But it is truer to deny this, as Holz states, page 85, number 372, Council, page 488, number 4, Elbel, page 436, number 230. The reason is that this would be contrary to the express rubric of the Missal, where it is noted: "Prima..."

[*Latin ed. p. 165*]

The Mass is said at night; the second at dawn; the third during the day. And today there is a decree of the Sacred Congregation of Rites, published on December 18, 4702 (according to Holz and Elbel), which states: It is not permitted to celebrate two other Masses successively in the middle of the night of the Nativity of the Lord, nor to administer the Holy Communion. However, if someone wishes to celebrate one Mass on such a day, there is no apparent reason, as rightly stated by Father Concina, why they should celebrate the first Mass rather than the others.

344. Add: It is possible to celebrate a private Mass after the solemn Mass on a feast day, if the solemn Mass is prolonged to an hour or more after midday, as Wigandt (vol. 15, no. 52) and Salm (ibid., no. 35), along with Laym, Palud, Suar, Bonc, Led, Vill, etc., probably state. Indeed, Suar, Vasquez, Fill, Rodriguez, Possev, and others (according to Bonac, p. 9, no. 7), although they do not easily grant this without Episcopal permission, admit that it can be celebrated even after two hours, so that a large part of the people do not miss Mass.

Add: For the sake of travel, for an hour after midday (or before dawn), as commonly stated by Bus, Conc (vol. 8, p. 487, no. 2), Wigandt (loc. cit.), and Salm (ibid., no. 36), along with Soto, Suar, Palud, Laym, and others cited. Also, for the sake of a funeral of some important person, as stated by Busemb, Conc, and Salm (ibid., no. 41), along with Henr, etc. For the sake of a gathering, as stated by Busemb and Wig. For the sake of a public supplication, as stated by Busemb and Conc. Also, when the Bishop confers Orders, as stated by Laym (chap. 4, no. 4) and Salm (ibid., no. 40), along with Soto, S. Anton, Palud, Henr, etc. For these reasons, the Mass can be

anticipated, as mentioned above, or postponed by an hour.

Add: If the Bishop grants a dispensation in a particular case for a reasonable cause; according to which, Bishops can also dispense with the rules in their own dioceses. Thus, Lugo (d. 20, no. 27), Wigandt (loc. cit.), Salm (tr. 5, chap. 4, p. 1, no. 28 and 37), along with Nav, Laym, Palud, Conc, state. And Croix rightly states (l. 6, p. 2, no. 225) that all the above have the same power with regard to their religious, provided they are their Ordinaries, except for those with a special privilege.

345. 1. He who, without any of these reasons, or at least a just cause, celebrates Mass earlier in the morning or later after lunch, gravely sins, where Azor requires the third hour, Laym, half an hour, Bon, three quarters of an hour, and Sylvius, one hour, so that by delaying, he sins mortally. See Dian (vol. 14, r. 34), who notes that Religious can celebrate up to three hours after midday, but in no way after the third hour. See Bon (loc. cit.).

It is asked whether it is permissible for everyone to celebrate Mass before the ninth hour, i.e., the third hour after midday? Scotus, S. Anton, Palud, Nav, Vivald, Durand, etc., state this (according to Palaum, p. 7, no. 14 and Escob, lib. 24, no. 354), who, along with Less, considers it probable; because (as they say) the sacrifice should correspond to the sacrifice of the Cross, which was consummated at the ninth hour. They do not say that it is an obstacle that the custom of the Church is contrary, because this is only introduced because of the weakness of those who are not strong.

[*Latin ed. p. 166*]

To fast for so long; therefore, it is not considered to impose an obligation, but rather a favor, to which anyone can renounce. But today, the opposite is entirely to be held, as taught by Suar. d. 80, sect. 4; Laym. c. 4, n. 3; Bon. p. 9, n. 1 and 7; Palaus, loc. cit., who calls the contrary opinion meritoriously improbable; and Salm., ibid., n. 34, with Vasquez, Conc., and others, generally. The reason is drawn both from the Council of Trent, session 22, in the Decree concerning the observance of monastic vows, etc., where it is stated: "The Holy Synod decrees... that Ordinaries... by edict, and with penalties prescribed, should take care that priests celebrate only at the appointed hours." Also, from the universal custom of the Church, which must certainly be observed now, since it is prescribed by the rubric of the Missal as mentioned above, and moreover expressly approved by St. Pius V. in his bull beginning, "Most Holy Father," whereby the Pope prohibits, by virtue of obedience, that anyone, under pain of perpetual suspension from divine duties, should presume to celebrate at vespers under any pretext, even with indulgences. Therefore, celebrating at vespers cannot be excused from a grave fault, since such celebration is declared by the Pope to be presumption and express disobedience.

346. — Commonly, however, Doctors in this matter admit that a small matter can excuse from a mortal sin; and, with the same reason, from a

venial sin, namely, if the Mass is ended shortly before dawn, and begun shortly after midday: but they greatly disagree in assigning such a matter. Azorius, p. 1, lib. 10, c. 25, q. 5, assigns a third of the hour as the grave matter; Laym., l. 5, t. 5, c. 4, n. 4, assigns half an hour; commonly, and more probably, Sylvius, q. 83, art. 2, q. 4; Pal., p. 7, n. 14; Bon., p. 9, n. 6; Rone, c. 4, q. 8, r. 1; Viva, ap. Conc., p. 487, n. 2, who does not disapprove, and Salm., tr. 5, c. 4, p. 4, n. 34, at the end, with Gabriel and others, consider that it is not a grave matter unless the Mass is begun an hour before dawn, or an hour after midday. Also, very probably, Suar., d. 80, s. 4, v. Tertio; Bon., n. 7; Merati, p. 248; and Fill., tr. 5, c. 4, q. 7, num. 103, with others, say that the privilege of celebrating an hour after midday, or before dawn, should be understood as applying to those not privileged, even within the hour before or after the time conceded by Doctors as mentioned above, otherwise the privilege would be of little benefit. Concerning the aforementioned small matter (that is, less than an hour, as mentioned above) in celebrating after midday, a certain more recent author said that it is not sufficient to excuse from a venial sin the reason for postponing the celebration until that time, but that a just reason is also required for celebrating at that time, such as if it is a feast day, or so that others may hear Mass, and the like: otherwise, he said that the celebration would not be excused from a venial fault. But this distinction or opinion has not been handed down by any author, and it seems entirely untenable, as it has appeared to me and to others learned in these matters, because the same reason that permits a delay also permits the celebration to take place at that time.

347. — 2. It is not a sin to celebrate before the aforementioned Prime, or if, because of infirmity, you cannot say the Hours (as also taught by Salm., ibid., n. 43 and 44, with the common opinion), or even before Matins, if the cause...

[*Latin ed. p. 167*]

It is necessary to add a condition, without which it will be a venial sin, as Fill. Laym. and others teach; and it seems that this opinion is safe against many who say it is a mortal sin. The question is, what sin is it to celebrate Mass before reciting Matins? There are three opinions: The first says it is mortal, and this is held by St. Antoninus, 3, p. tr. 13, chapter 6; Antoine, p. 154, verse; and others with Gav. p. 3, title 11, number 5, although Merati, t. 1, p. 799, note 7, says that Gav. later tempered his opinion elsewhere. The authors mentioned approve of this opinion based on a certain Constitution of Innocent IV, issued in 1254, and reported in Cont. Tourn., chapter 9, article 2, section 8, see question 2, where it is said: "Priests should not presume to celebrate Mass before they have completed the morning office." Also, from the Rubric of the Missal, title 1, on Preparation of the Sacrifice, it is read: "The priest who is to celebrate Mass should, at least, have completed Matins with the Lauds, etc." Also, title 10, on Defects, where it seems to be listed

among the more serious defects. The second opinion does not recognize any fault in this, and this is held by Tamb. de Sacrif. Miss., book 1, chapter 7, section 2, number 3; Holzm., t. 4, p. 447, note 469, with Gob. and Cherub.; also, March. and Quarti, apud Croiæ, book 6, p. 2, note 230. The reason for this is that no law appears to impose this under pain of sin, and the Rubric is only about advice, not a precept. The third opinion is more common and more probable, and this is held by Pal., d. unic., part 10, number 14; Less., book 1, chapter 37, number 84; Anacl., p. 200, question 6; Conc., t. 2, p. 490, number 11; Elbel de Sacr. Miss., number 238; Merati, book 1; Cont. Tourn., book 1; with Soto, Sylv., Tol., Nav., Bellarm., Henr. à S. Ign., Croiæ, book 1; with Val., Sanch., Vasq., Bon., Vict., and others; Salm., tr. 5, chapter 4, p. 1, number 45, with Sylv., Laym., Fill., Barbosa, etc. This opinion teaches that it is not mortal, first, because there is no connection between the office and the Mass, and therefore, the recitation of Matins does not seem to be a necessary preparation for celebrating, since the priest can also prepare himself by praying in other ways; second, because such a serious obligation is neither expressed in the Rubric, nor is it commonly considered to be a serious one. However, it teaches that one is not excused from a venial sin, because in the Rubric it is already listed among the defects; for those things that are counted among the defects are no longer merely matters of advice, and therefore, they cannot be free from any sin. Our opinion is also embraced by His Holiness, Pope Benedict XIV, in his most learned work on the Sacrifice of the Mass, book 3, chapter 13. But, as rightly stated by Cont. Tourn., ibid., see question 5; Croiæ, book 1; and Salm., tr. 5, chapter 4, p. 1, numbers 46 and 47, at the end, any reasonable and moderate cause will excuse one from this venial sin, such as if someone requires that Mass be celebrated immediately after giving an alms, if the people or some important person are waiting, if a superior commands it, if the time for celebrating has passed, or if there is an opportunity for study or travel, and the like. 348.— Whether it is mortal to sing the conventual Mass, and the sole-

[*Latin ed. p. 168*]

Whether it is permissible to omit the Matins prayer in the choir before the canonical hours are recited? Sanchez denies this in *Consilia*, book 7, chapter 2, paragraph 39. However, Palearius in *Disputationes Unionis*, page 10, number 14, and Bona in *Tractatus de Matutinis*, page 9, number 8, and Merati in *Moralis Ecclesiastica*, page 799, and Benedict XIV in his commentary, and Salmeron in the same place, number 48, along with Navarrus, Soto, Laym, Garcia, Suariz, and others, more commonly and truly affirm that it is a mortal sin, unless there is a just cause (and a grave one, and a public one, and without causing scandal, as Suariz adds). The reason is that this is the custom received in all churches, where public prayers are recited, so that, if otherwise, the public worship of God would

be gravely harmed, the common good would be injured, and the proper order of the Church would be disturbed, besides causing scandal to the people.

Secondly, it is asked whether it is permissible to celebrate Mass daily. I say, *per se*, that it is permissible. I say *per se*, because we are forbidden by a precept under pain of mortal sin to celebrate on the holy day of Friday (Canon 3 of the Decree *Sabbato, de consecr.*, where it is said that it should not be celebrated at all on those two days; and with respect to those two days, it certainly remains in observance among all, that is, on Friday and the holy Sabbath); however, it is not permissible to receive the Eucharist, or to distribute it to others, as Hurtado de Sacrificio, book 4, distinction 3, and Quintanilla, citing Suariz, Vasquez, and others, state. However, it is permissible to administer to the sick, as Dianius states in page 4, book 4, rule 237, page 6, book 6, rule 49, and page 9, book 9, rule 24, citing Barbatus, Gavotti, and others.

It should be noted here the Decree concerning daily Communion, approved by Innocent XI, which is cited by Croix in book 6, page 1, number 665, in which it is stated: "Let the bishops and pastors also see to it that, concerning Communion on weekdays, the rubrics of the Missal and the customs of the Roman Church are observed." From this, Cardinal [Leandrus] rightly infers, as cited by Croix, book 6, number 498 (although Leandrus himself doubts), that Communion is now gravely forbidden even privately on that day.

In the celebration of the Lord's Supper, however, even if, by custom, when one priest celebrates, the others should partake, nevertheless, more may licitly celebrate privately, but not after the solemn Mass has ended and the sanctuary has been closed, as Palearius states in *Tractatus*, book 22, *Disputationes Unionis*, page 7, number 2. However, others do not admit of this, as Dianius states in page 9, book 9, rule 24. Regarding the holy Sabbath, some deny that it is permissible, as Vasquez and others state; others assert that it is permissible with a strong probability, as Suariz, Fagius, Dianius, Gaspar, Hurtado de Sacrificio, book 4, distinction 3, Palearius, number 5, (who does not allow it to be done before the solemn Mass has begun), and C. de Lugo, book 4, number 48, state, adding that the prophecies should not be read at that time, because they are not part of the Mass, nor should the censer be blessed, nor even the litanies, for the same reason. See chapter 1, number 20, and Bona, page 2, where it is noted that this custom is scarcely observed. See also Dianius, page 4, book 4, rule 237, where, along with Mercero, he permits the celebration of a Mass of the Holy Spirit, or a votive Mass, on that day before the solemn Mass.

It is asked whether it is permissible to celebrate privately on the Lord's Supper, and on the holy Sabbath? Viva, in question 5, article 6, number 4, Mazzola, book 3, page 192, Dianius, page 6, book 6, rule 49, Croix, book 6,

page 2, numbers 234 and 234, along with Suariz, Navarrus, Vasquez, and Lugo, and also Soto, Henricus, Conciliarius, Laym, Palearius, Barbatus, and others, as cited by Salmeron, book 5, chapter 4, page 1, numbers 2 and 7, affirm this opinion.

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Those who adhere to it. However, the aforementioned Fathers state that the decrees are either not publicly promulgated everywhere, or not received everywhere. I myself formerly held this opinion; but now, having observed other recently issued decrees, I believe it is entirely necessary to hold that it is not permitted, as Holzm. p. 79. n. 34, Cont. Fourn. cap. 9. art. 2. sect. 2. concl. 3. Antoine p. 490. q. 4. and Bened. XIV. Notif. 38. n. 9. state. For, concerning the holy Sabbath day, there is a decree of the Sacred Congregation of Rites (found in Monacellum, title 15, Form. 3, in fine), issued on March 14, 1690, which states: "It is not permitted to celebrate Masses on the holy Sabbath in any churches or chapels, notwithstanding any contrary custom, as the Holy Father has decreed in his general decree." Regarding the holy Thursday, there is another decree prohibiting it, cited by Pittonio de Ritib. vol. 1, n. 1703. But what is more important, all these decrees were expressly confirmed by Pope Clement XI. (as can be read in Bened. XIV. de Notif. 38 and in Pitton. loc. cit. n. 1703) by a decree of the Pope himself, issued on March 15, 1712, which states: "Declaring finally, that with the aforementioned prohibition for holy Thursday, the Holiness does not intend to permit that private Masses be celebrated on the days of Thursday and Saturday, but only the conventual Mass, according to the rite of the Holy Church, and the decrees of the Sacred Congregation of Rites are reiterated." This decree was also confirmed by Innocent XII, as reported by P. Merati in Indice Decretor. n. 504, and by Clement XI himself (see ibid. n. 632). From him it was established that when the feast of the Annunciation or of St. Joseph falls on the day of the Lord's Supper, only some private Masses may be celebrated, according to the judgment of the Bishop; therefore, priests are not permitted to celebrate Mass on that day outside of this case. With these decrees thus established, I do not see how an opposing opinion can be maintained today. Moreover, when the feast of St. Joseph or the Annunciation of the Blessed Virgin falls on the day of the Lord's Supper, the Bishop will see to it that some private Masses are celebrated before the solemn celebration; but if the feast of the Blessed Virgin falls on the holy Sabbath, private Masses cannot be celebrated, and the feast is transferred to the second feria after the Sunday in albs, according to the decrees of the Sacred Congregation, as found in Merati, vol. 1, p. 2, in Indice, nos. 504 and 504, and n. 632. 354. — "It is not ordinarily permitted to celebrate Mass more than once on the same day; I add this, because, if you are fasting, it is permitted in the following cases, even up to three times, provided that, if it can easily be obtained,

it is with the judgment of the Bishop, except in the first case:" 1. On the night of the Nativity, although the parish priest is not obliged to celebrate three Masses, but may omit some at his discretion. (1) That is: "Declaring finally from the aforementioned prohibition for holy Thursday, that in no way can it be inferred that the Holiness intends to permit that private Masses be celebrated on the days of Thursday and Saturday, except for the conventual Mass only, according to the rite of the Holy Church and the reiterated decrees of the Sacred Congregation."

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Diana, page 4, book 4, chapter 236. Neither to administer Communion three times, nor to administer it once and celebrate [Mass] twice. Page 8, book 4, chapter 87, number 2. If a pastor has two parishes that are far apart. Fill., Cardinal de Lugo, decree 20, number 45. Provided that there is no other priest who can conveniently celebrate [Mass] in the other parish, as stated in Salm., book 11, chapter 5, page 1, number 12, "with the common [people]." And this is according to the decree of Pope Benedict XIV, published on March 16, 1746 (see in his Bullarium), where it is forbidden for a pastor, even due to poverty, to celebrate twice on a feast day; and this is only permitted if there is no other priest who can celebrate in the other parish. The same is stated by Salm., cited above, and in the Dicastery. Regarding a simple priest, if there is no other priest present. And this is also permitted on a weekday, so that the people (in sufficient number) are not deprived of Mass, as stated by Suarez, Paleari, Leander, and Diana. However, in this case, Salm., ibid., number 14, with Ledesma, etc., states that custom should be followed, otherwise it seems that this cannot be done without causing scandal. And this is entirely disapproved of by Benedict XIV in *De Sacris Missis*, book 3, chapter 5, number 3, with the Declaration of the Sacred Congregation. However, Pope Benedict XIV, in Note 36, number 15, mentions the opinion of some who claim that a pastor can celebrate a second Mass on a feast day for the deceased, if the body is present, based on chapter *Consuluit*, regarding the celebration of Mass, where it is stated: "Except on the Nativity of the Lord, unless there is a very urgent reason, it is sufficient for the priest to celebrate once a day." And the Glossary, under the word "Necessitas" (Necessity), states: "If he has celebrated during the day, he can also say another Mass for the deceased." And this opinion was accepted by Pope Benedict XIII in Sermon 6 on Purgatory, provided that the priest is fasting; and that there is no other priest who will celebrate for the deceased. However, the same Benedict later, in the Indult concerning the celebration of three Masses, etc., beginning with "Quod expensis," granted on August 26, 1748 (see in the Bullarium), in section "Novam," near the end, declared that, while a pastor can sometimes transfer Mass for the people from Sunday to a day within the week, it is not permitted to perform two sacred rites on the same Sunday. These are the words of the Pope:

"And these things are not mentioned here as if, at the present time, two Masses could be celebrated by the same priest in the presence of a body, since, according to current discipline, it is permitted for a priest, having omitted the Mass of the day, to celebrate a Mass for the deceased, if a body is present, with singing." 3. If the congregation is so large that the church cannot accommodate everyone, as stated by Laym., book 5, book 5, chapter 4, number 6. See also C. de Lugo, in the same place, although in that case it is better to celebrate outside. (With Salm., book 5, chapter 4, page 1, number 22; Suarez, Paleari, etc.). 4. If, before the ablutions, one is warned of a sick person who needs Communion, and the priest has already taken the host, and there is no other priest present. Sylv. Nav. But (1) "However, Pope Benedict XIV, in the Brief, Declaration, published on March 16, 1746, stated that, in this matter, permission must always be obtained from the Bishop, even if a necessity seems to exist." Hom. Ap. Examen Ord., number 127. Edition.

[*Latin ed. p. 171*]

"It is a metaphysical matter," says Cardinal de Lugo, book 20, chapter 44. "(Or, a practical matter, as Salm. says, ibid., chapter 16.) 5. If on a feast day a person arrives who should not miss the Holy Sacrifice, e.g., a king or a prince. "(Or, a bishop, as St. Antoninus holds, Hurt. Dict. ap. Salm. ibid., chapter 49, contrary to the Councils of Vasquez and Lugo, who deny this to be probable in all cases), "although the latter is said not to be in use. See Bonaventure, book 4, final question, page 7, number 9. De Lugo, in the place cited, and Layman, book 1, chapter 5, chapter 4. Concinius, Dian. book 2, page 14, number 65, where he rightly notes that in all these cases, attention must be paid to the custom of the place, which is now almost universally abandoned." (As also Salm. says, ibid., at the end, with Bonaventure and others.) 352. — A question arises: Is it ever permissible to interrupt the Mass? Answer: Although it is never permissible to interrupt the essential part of the Mass, or to consecrate only one species, as stated above in chapter 4, book 2, it is permissible to interrupt it accidentally, or even to interrupt it by interposing something, in certain cases. It should be noted here that it is never permissible to mutilate the sacrifice intentionally, even to avoid death; but to mutilate it accidentally, and indirectly, is sometimes permissible, for example, if a fire breaks out, or an enemy attacks to kill; in such a case, the priest might take the consecrated Host, or carry the chalice without consecrating it: because in that case, he is not mutilating the sacrifice, but is excused from completing it. Thus, Layman, Bonaventure, book 3, question 3, page 2, Palearius, page 14, number 2, and Salm. ibid., page 4, number 103, with Garcia, Aravia, and the common opinion. 1. On account of a sermon to be given after the Gospel, or a procession to be held. 353. — 2. In order to accommodate a visiting prince, or a crowd of pilgrims on a feast day, when they would otherwise not be able to attend

Mass, or for a similar just cause; in which case, if the offering has not been made, it is possible to begin anew, so that they may hear the entire Holy Sacrifice" (with Layman, Azor, Navar, Palearius, Dict. etc. ap. Salm., book 5, chapter 4, page 4, number 111. And the same can be done in the arrival of a bishop, cardinal, or a procession of the people. The cited authorities), "although various authors, with Salm., apud Bonaventure, book 4, final question, page 7, number 9, rightly note that one must follow the custom of the place. Henriques teaches that this is only permissible with a special indult, or Gospel. Tamburrini clearly disapproves. 3. If, before the Canon, the priest remembers some impediment, e.g., that he is not fasting, or is not in a state of grace, or is irregular, and excommunicated" (Thus also Salm., ibid., number 105, with St. Thomas and the common opinion, provided that he can leave the Mass without causing scandal, or grave offense, as rightly noted by Salm., ibid., at the end, with Concinius and Palearius. See the words above, number 262.), "or if an excommunicated person presumes to attend, and cannot be expelled. 354. — 4. If a serious necessity arises, either for oneself, e.g., illness; or for a neighbor, such as someone who is dying and needs to be baptized, or absolved. Trull. Dian. book 3, page 5, resolution 70. In other sacraments that are not so necessary, it is not proper to interrupt between the consecration and the reception."

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unless death were imminent, nor would it be necessary to remove the vestments; or unless the penitent were unable to receive the sacrament of Penance due to mental derangement, Laym. Tamb. l. 2. exped. Sacrif. c. 7. Returning to the sacrifice, the priest, if the consecration has already been performed, will begin where he left off; and if the consecration has not been performed, and a short delay has occurred, for example, less than one hour, he will begin from the beginning. Tamb. l. c. exped. sacrif. c. 8. §. 7. 355. — How is a Mass interrupted by one priest to be completed by another? If the priest interrupts before the consecration, nothing should be completed by another, as stated by Croia, n. 547, with S. Th. Avers. Pasq. against others. But if the priest interrupts after the consecration, even of only one species, then a priest who is fasting should complete it, if present; otherwise, even a priest who is not fasting may do so, if it is a matter of urgency regarding the integrity of the sacrifice. Thus, Salm. tr. 5. c. 4. p. k. n. 407, with others, and Croia, l. c. All of this is found in Rubr. Miss. tit. 10. n. 3, from c. Nihil 7. q. 4. And even a priest who is excommunicated and irregular must complete the Mass, if no other is available, and if he can do so without serious inconvenience, as stated by Croia, n. 550, with Pasq. contra Sot. Sa., etc. If, however, the interruption occurs after the consumption of only the Body of Christ, Bon. believes that the chalice may be taken in another Mass; but it is more commonly held by Croia, n. 548, Avers. Pasq., and others, that the chalice should then be taken by another. Tamb. states

that someone should be sought to complete the Mass, even after seven hours; but it is probable that Gob. , to whom Pasq. adheres, as stated in Croia, n. 549, says that it should not be sought after more than about one hour, otherwise it is not considered to be one sacrifice. If, however, the sacrifice could be completed by the same priest, it would be better than having it completed by another, even if that priest were not fasting. Croia with Gob. num. 552. QUESTION IV. In what place should it be celebrated? 356 In what circumstances is it permissible to celebrate outside the Church? And on the sea? 357 In what circumstances is it permissible to celebrate in chapels by dispensation of the Bishop? It is permissible I. in chapels that have been blessed. II. in chapels of communities. III. in chapels erected in the palaces of Bishops. 356 Can Bishops celebrate in private homes? 359 Can they grant a dispensation for it to be celebrated there at times? Note I. The privilege does not expire with the death of the Pope or Bishop. Note II. What if the person with the privilege changes residence? Note III. On which days is it not permissible to celebrate in private chapels? And can religious or Bishops celebrate in private homes, except for Mass granted by special permission? 360 Can religious celebrate by privilege at any altar, even a portable one? 361 Do those who celebrate in a desecrated church always commit mortal sin? And do they incur any penalty? 362 Are unblessed chapels defiled? And sacristies, crypts, etc.? 363 From whom should the Church be reconciled? 364 How should the offense by which the Church or cemetery is defiled be made known? When is the Church defiled by murder? Is the Church desecrated,

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If wounds are inflicted within, and death (the shedding of blood) follows outside? 115 When is the Church profaned by the shedding of blood, or of semen? 165 When are the excommunicated, heretics, or infidels buried within? 117 When is the Church destroyed? 165 How is a consecrated thing, namely, the Church, the altar, the chalice, and vestments, desecrated? And see concerning the desecration of the Church. 119 Concerning the desecration of the altar. And 1. If a stone is removed. 2. If it is broken. 3. If it is stripped of its ornaments. Doubt. 1. Are the relics of the Saints necessary for the consecration of the altar? Doubt. 2. What if the seal is broken, or the tomb is removed? 370 Concerning the desecration of the chalice. Doubt. 1. Is the chalice desecrated if its plating is destroyed? Doubt. 2. Does a newly plated chalice require a new consecration? Doubt. 3. Is it permissible to celebrate Mass in a chalice that has never been plated? 371 Concerning the desecration of vestments. 356. — R ESP. Generally, it is not permitted to celebrate Mass except in a church, and that consecrated, or at least blessed and not violated, profaned, or interdicted. This is clear from the Council of Trent, Session 22, Lugdunum, July 20, number 48. I said, generally: because in a fitting place, and on a portable altar (which is always required under

pain of mortal sin), with the permission of the Bishop, if he is present, or without it, if he is absent. (As Salm. also points out in Tractate 5, chapter 4, page 2, number 54, with Lugdunum), • it is permitted in the following cases: outside of which, if it is done, it is taught to be mortal by Fill., Laym., and others, common opinion. » (with Lugdunum, Sanch., Laym., Suar., and Salm., ibid., number 49, with common opinion) • contrary to Soto and Sa. Firstly, if there is a necessity, such as is considered to be. I. If the churches have been destroyed. » (And the people would be deprived of Mass, and this is granted in canon Concedimus de consecr., Dist. 4. Salm., ibid., number 52.) • II. If the people cannot be accommodated in the temple on a solemn feast day. » (Lugdunum, Disp. 20, number 48, 2. Benedict XIV, De Miss., lib. 3, c. 6. Salm., ibid., number 53, with Pal., Laym., Vasquez, Dic. Con., Suar.) • III. In camps for the army; but only on feast days. Fag. C. de Lugdunum, etc. It is permitted on Easter Sunday, as stated by Pal., in Dian., page 9, vol. 4, response 44. It is also considered by some that it can be permitted by Generals and primary leaders in their tents, even on non-feast days. (However, in these and similar cases, the permission of the Ordinary must always be obtained, as Lugdunum, d. 20, d. n. 48, and Salm., cited above, n. 54, at the end, with Pal., Laym., and Vasquez, state.) • IV. In a port for the arrival of a ship. » (So that sailors, who cannot leave the ship, may not be deprived of Mass on a feast day. Pal., Laym., Lugdunum, Dic., with Salm., ibid. And although in c. Sicut de consecr., Dist. 4, it is said that it is not permitted for the priest to celebrate Mass outside the church, unless a supreme necessity compels him, nevertheless, Salm., ibid., number 55, with Vasquez, Conc., Pal., and others, state that a lesser necessity is sufficient, based on a custom already received, as is the case in the aforementioned cases, to which they add Lugdunum, d. 20, d. n. 48, and Salm., ibid., n. 51, with Pal., Laym., Suar., and Sa., Con., etc., the case of someone who, traveling through desolate places, is forced to miss Mass unless he celebrates it outside the church.) • However, not in a river,

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Moreover, due to the danger of spilling blood, it is commonly taught among the authorities, as found in Bona. However, it is said that the Portuguese who travel to India already have this practice, with the permission of Clement VIII and Paul V. Fagund Gran. teaches that it is now permissible to do so, and C. de Lugo does not disapprove in his work. However, Dian. p. 5, t. 3, res. 40, limits the matter, citing Hurt. Merc. Trul. etc., stating that if there is great tranquility without any sign of disturbance, and another priest is present besides the celebrant, who can firmly hold the chalice after the consecration, then this is permissible. With this precaution, Gran. teaches, citing Dian. in his work, that the Bishop can also grant permission for this in cases of necessity (e.g., so that a large crowd may not hear the Holy Sacrifice, or a dying person may not depart without the Viaticum).

(Indeed, Lugo approves of this in d. 20, n. 86.) However, some maintain that this power is reserved solely to the Pope, as Dian. p. 9, t. 4, r. 45, cites a declaration from the Cardinals, in which the Bishops are ordered to prohibit this. (And on this point, there seems to be no doubt, as we will soon see in the following sections, based on the Council of Trent, where it is absolutely forbidden for Bishops to grant the use of a portable altar, and permission to celebrate outside the Church.) Furthermore, it is certain that, with permission obtained from the Pontiff, it is permissible to celebrate at sea, not only due to the concessions of Clement VIII and Paul V, as mentioned above, but also due to the Indult of Clement XI, as reported by Ben. XIV in "De Sacr. Miss." l. 3, c. 6, and in "Cont. Tourn." cap. 9, sect. 6, v. Quær. 4, in the end, where it was granted to the Knights of Jerusalem in the year 4706 to celebrate at sea, but with the following conditions: 1. that there is a long distance from the shore; 2. that the sea is calm; 3. that another priest or deacon is present, who, if anyone is disturbed, can firmly hold the chalice. Secondly, by dispensation from the Bishops, for a reasonable cause, although the Council of Trent, in session 22, prohibits this unless for a just cause, it is permissible in private oratories dedicated to divine worship, even if they are not blessed. However, it is taught by Gav. in his work, and by Dian. p. 9, t. 9, resp. 42, that this power has now been taken away from them. Nevertheless, the same Dian. teaches that, even with this, they can, in a particular case and for a just cause, permit the celebration to take place outside the Church, on a portable altar, citing March. Garc. Hurt. C. de Lugo, Aversa, Persic. etc. 357. It is asked: In which oratories can the Bishops grant permission to celebrate? Formerly, the Bishops could grant this permission everywhere, according to Con. Missarum 42, de consecr. dist. 4, where it is stated: "We believe that the solemnities of the Mass should not be celebrated everywhere, but in places consecrated by the Bishop, or where he himself has presided." However, this power was taken away from the Bishops regarding private homes, according to the Council of Trent, session 22, in the Decree on the celebration of Mass, where it is stated: "It should not be permitted for the Holy Sacrifice to be celebrated in private homes, and certainly not outside the Church, and in oratories dedicated solely to divine worship, unless these are designated and visited by the same Ordinaries." Therefore, this decree did not prohibit the Bishops from granting permission to celebrate.

[*Latin ed. p. 175*]

I. In a chapel, blessed and designated for sacred uses, which has an entrance from a public road, even if the entrance is a private door attached to the house of a secular person; this is not considered private, but a public chapel, as rightly stated by Viva, q. 5, a. 6, n. 5, and Croix, l. 6, p. 2, n. 265, along with Aversa, Quarti, Naldo, Homob., and Diana. They add that, nevertheless, it is possible to celebrate the Mass in such a chapel even

with closed doors: for it is not prescribed that it be celebrated publicly, but in a public chapel. Croix also notes, n. 266, that it is not necessary to have four walls that separate the chapel from other places, but that a curtain, which can be opened for the convenience of those attending Mass, can serve as the fourth wall. Therefore, whoever would dine there, or use it for profane purposes as a dwelling, would sin mortally, because that chapel is a true Church; however, venially, if occasionally and without necessity, as stated by DD. ap. Bon. and Suar. Neque II. This does not apply to chapels erected in the houses of religious orders, or of another community, as rightly stated by Tamb. de Meth. cel. Miss., l. 4, c. 4, §. 3, n. 2, along with Lezana. Hence, it is proper for the Bishop to grant permission to celebrate in the chapels of hospitals, seminaries, and conservatories, as practice dictates; for these houses are not considered private. And Croix also states, n. 264, along with Quarti, and Diana, regarding chapels erected in public prisons: Illsung states, ap. Croix, l. 3, p. 4, n. 626, that the prohibition of Trent applies only to private chapels of lay people, or secular clergy. Therefore, Fagnanus, in c. In his, de priv., num. 23, reports that the Holy Congregation has declared on several occasions that chapels in prisons, confraternities, hospitals, and communities are not included in the prohibition of the Council, because these are chapels fixed for divine worship. And therefore, in such chapels, anyone attending Mass fulfills their obligation, and Mass can certainly be celebrated by any priest, even on solemn days, according to a declaration of the Holy Congregation, Rit., Sept. 2, 1661 (apud Merati, in Ind., num. 392), where it is stated: "The sacrifice of the Mass can be celebrated in a public chapel, constructed with the permission of the Bishop, on solemn days of the year, provided that it has all that is required to constitute a Church or a public chapel." III. This does not apply to chapels erected in the palaces of Bishops, as commonly stated by Gav., p. 1, t. 20, lit. m., Merati, ib., n. 3, Renzius, l. 4, c. 3, qu. 34, and Croix, loc. cit. In such chapels, everyone can celebrate, and fulfill the precept of attending Mass, as declared by the Holy Congregation, on Sept. 22, 1640, ap. Diana, p. 6, tr. 8, r. 40, in fine. The reason is that the Bishop's house is not considered private, since it enjoys ecclesiastical immunity, according to c. 36, caus. 47, q. 4, where it is stated: "We decree that this be observed, as the ecclesiastical canons have decreed, and the Roman law has established, that it is not permissible to remove prisoners from the Church, or from the Bishop's house, in any way." Therefore, Benedict XIV, de Miss., lib. 3, c. 6, states, along with

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Braneatio, and Clerics of this sort, regarding the celebration of Masses, enjoy almost the same privileges as consecrated churches. And so, it is stated in Viva, q. 5, a. 6, n. 5; Tamb., c. 6, §. 2, n. 12; and Diana, p. 6, tr. 8, r. 40, concerning a rural house which a Bishop possesses outside his

diocese, even without the permission of the Ordinary, and even in the absence of the Bishop himself, as Viva stated; provided that such a house is not let to another; and this seems to be admitted by the same declaration of the Sacred Congregation, as mentioned in Diana, as above, where it is stated that those who participate in the sacrifice of the Mass in the Bishop's private chapel fulfill the ecclesiastical precept, both within the diocese and outside it.

358. — However, it is doubted: Can Bishops celebrate, or have Mass celebrated, in houses where they are found, outside their own dwelling? The answer is affirmative, based on the last chapter concerning privileges, in 6, where it is stated: "Because Bishops and their superiors are frequently absent from their churches and dioceses for various reasons, and they cannot always conveniently access churches to celebrate or attend Mass in them; therefore, it is not fitting for them to absent themselves without a reasonable cause for any day, and this present constitution grants them this indulgence, so that they may have an altar as a provision, and celebrate, or have Mass celebrated, wherever they may be, without transgressing the prohibition." And although the reason for this concession here is solely the Bishop's absence from his church, Tamb., Method. de cel. miss., c. 6, §. 2, n. 9, rightly points out that the concession is universal, without any limitation of distance expressly stated. Nor does the decree of Clement XI, issued on December 15, 4703 (reported in Croiae, lib. 6, p. 2, n. 258), which took away this faculty from Bishops, with these words: "Bishops and Cardinals are in no way permitted to erect an altar outside their own dwelling, even within their own diocese, in secular houses, and to celebrate the sacrifice of the Mass there, or to have it celebrated," constitute an obstacle. For this faculty was restored to them by Innocent XIII on May 3, 4723, in the bull, Apostolici ministerii, where it is stated: "This prohibition (namely, that Bishops should not celebrate, or should not have Mass celebrated) is to be understood not to apply to secular houses as well, in which these Bishops may, on occasion of a visitation or journey, be received as guests; nor even when Bishops, in cases permitted by law, or with special permission from the Apostolic See, delay in a foreign house, in a manner similar to their own dwelling." Thus, in Merati, t. 4, p. 2, Index Decretor., n. 649. And this bull was confirmed by Benedict XIII on September 17, 1724, in the Consilium held in the Roman Synod. However, Tamb., l. c., n. 40, rightly notes that, since this privilege is personal to the Bishop, other priests cannot celebrate in such private houses in his absence.

359. — It is doubted: Can Bishops sometimes dispense, so that Mass may be celebrated in the oratory of a private house? By ordinary law, it is not permitted.

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It has never been permitted to priests to celebrate Mass, except in places

consecrated or at least blessed by the Bishop, as is stated in canon (Felicis Pope) Sicut 41, dict. 4, de Consecr. However, the first exception is in cases of necessity, as is expressed in the same text. Cases of necessity are: I. If the church has been destroyed, as is stated in canon Concedimus 30, dict. 4, de Cons. II. If a priest undertakes a long journey through deserted or infidel lands, as is stated in the same canon Concedimus. III. When the church is not large enough to accommodate the people, so that many would be deprived of Mass. IV. If an army is found in the camp, or a large number of sailors on the seashore; thus, commonly, the Doctors of the Church (DD) cite Pope Peter, volume 4, in Constitution 2 of Urban V, number 31, and Salm, volume 5, de Miss. Sacr., chapter 4, page 2, number 54. And in these cases, any priest can celebrate outside the church, on a portable altar. However, Laym, volume 1, treatise 4, chapter 1, number 3, with Suarez and Soto, notes that if the Bishop is present, it is fitting to obtain permission from him; also, Castrop, volume 22, de Sacr. Miss., chapter 4, page 8, number 4, notes that when there is doubt about a case of necessity, the Bishop can properly grant a dispensation, according to the words in book 4, number 492, as we will say in book 6, number 902, see Casterum. Furthermore, an exception is made when the Bishop, for a just reason, dispenses with the requirement to celebrate outside the church; for Bishops, although today they lack the faculty to permit the celebration of the sacred rites at will, as they once had, as appears from canon Missarum, dict. 1, de Consecr., where it is permitted to celebrate in places consecrated by the Bishop, or where he has permitted it. And from canon, here: In places in which the proper Bishop has been. And it was better expressed in chapter In his 30, de privil., where Honorius III decreed that the Minor Friars and Preachers, due to their apostolic privilege, could celebrate on a portable altar without the permission of the local Bishop; and he gave the reason that otherwise their privilege would be useless to them, since without it they could already celebrate outside the church, with the permission of the Ordinary. But when (the words of the Pope) I grant them the aforementioned indulgence, without which it would be permitted to the prelates with their consent. Therefore, P. Suarez, volume 3, in 3, page d. 81, section 3, v. Secundo, with Sylvester, Soto, and Navarro, notes that the ancients did not lack the faculty to permit the celebration constantly, and without any necessity, because that (says Suarez) was not a dispensation, but the use of proper power. However, this faculty was taken away from the Bishops by the Council of Trent, session 22, in the Decree de celeb. miss., etc., as mentioned above, number 357. Nevertheless, it is commonly understood by the Doctors of the Church that this refers to a perpetual license to celebrate in the manner of a habit, according to the faculty that Bishops previously had; but it is by no means forbidden to grant such a license for a certain time, if there is a just reason. Thus, P. Suarez, in the same place, volume 3, in 3, page d. 81,

section 3, v. Secundo, at the end.

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where, after having considered the case of necessity, he says: ''Furthermore, this is a faculty granted by way of dispensation; however, the Council has not taken away from the Bishop the power to reasonably dispense in such matters, especially when it is truly morally necessary. And he adds: 'Indeed, practice confirms this, because it is done without any scruple.' Bonacina, in *De Euch.*, book 4, question last, number 41, says: 'The Bishop can, in a certain case, with a just cause, dispense, so that Mass may be celebrated outside the Church, in a suitable place.' And he cites Reynold, Beja, and Cenedo. And then Bonacina refers to what he wrote elsewhere (in *Tractatus de Legibus*, book 1, question 2, part 4, number 17), where, while giving a sermon on the opinion defended by some Doctors, and related by us in book 4, number 194 (an opinion which Bonacina does not approve of, nor do we, namely, that the Bishop can dispense in all canonical laws, in which the dispensation has not been expressly reserved to him by the Apostolic See), he says that this opinion at least has a place in those cases which frequently occur and require a dispensation; or if a serious necessity or a serious advantage arises, and recourse to the Holy See is not readily apparent. Tambini, in *Methodus Celebrationis Missae*, book 1, chapter 6, number 7, holds the same view, offering the same reason, namely, that, since such cases are frequent, it is morally necessary for Bishops to have this power to dispense, according to what was said in book 4, number 492. Barbosa, in *De Potestate Episcopali*, allegation 23, number 9, teaches the same, saying: 'The Council speaks of the common manner of celebrating, and does not take away from Bishops the power to reasonably dispense, when there is a necessity or a just cause.' Escobar, in volume 3, *De Euch.*, chapter 6, number 87, writes: 'Such a dispensation, with a reasonable cause, should not be considered among abuses; therefore, the Bishop can grant this faculty (to celebrate outside the sacred place) when a noble person, due to old age or infirmity, is unable to attend Church to hear Mass and receive the Eucharist.' Layman, in book 5, treatise 5, chapter 5, number 3, says: 'This power does not seem to have been taken away (from Bishops) in the case of necessity to dispense, so that, once or repeatedly, as long as a reasonable cause suggests it, it may be permissible to celebrate Mass in a suitable place, but one not intended for profane uses, over the altar.' Holzmüller, in volume 2, *De Euch.*, chapter 2, number 370, says: 'Furthermore, the case must be excepted when the Bishop, for a reasonable cause, dispenses, so that it may be possible to celebrate in private houses, for example, in the house of a sick person, over a portable altar.' The same is said by Salm, in *De Sacra Missa*, treatise 5, chapter 4, number 56; Elbel, *Theologia Moralis*, ibid., page 436, number 233; and La-Croia, book 6, page 2, number 263,

with Coninch, Rodrig, Pasq, Quarti, Diana, March, Hurtad, and Fagund. Therefore, the aforementioned opinion can rightly be called common. And it should be noted that when the Doctors cited above speak of 'necessity' in relation to a dispensation, they do not mean the necessity of celebrating, because this does not require a dispensation, as was observed above in the first exception; but they mean the necessity that leads to a dispensation for celebrating, or

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To go to Church to hear Mass, he is compelled, and there is a just reason for granting a dispensation. The decree of Clement XI, which Father Mazzotta cites as an objection, does not stand in the way of this. Nor do the decrees of Paul V and Urban VIII, in which bishops are forbidden to grant such dispensations, stand in the way, because these decrees are to be understood according to the Tridentine sanction, as Escobar, Salm. tr. 5. c. 4. p. 2. n. 58, says, concerning dispensations granted in the manner of habit, but not in the manner of acts, for a time, for a particular case, when a reasonable reason for granting a dispensation exists. And since, after the Tridentine decree, there have been authors, such as Soto and Emmanuel Sa, who said that it is not a grave sin to celebrate Mass outside the Church, if it is celebrated in a suitable place, indeed Soto wrote (as Father Suarez reports in 3. p. t. 3. dec. 81. sect. 3. in princ.) that he recognized no fault in this, if it were always and secretly celebrated, and without causing scandal; therefore, perhaps, these Popes are judged to have urged bishops with more urgent and clearer decrees to prohibit this. It is then doubted, how often can such a dispensation be granted? Salm. loc. cit. says once, or twice; but others, such as Suarez, Laymann, Bonac. Escobar, Holzmann, and Elbel with Pasqualigo, etc., speak indefinitely, and understand that it can be granted during illness, or another accidental cause. And rightly do they speak indefinitely; for the prohibition of granting a dispensation is of strict interpretation, and is to be understood (as we have seen above) only for dispensations that are permanently ongoing, and not for those that are granted for a time with respect to some transient cause. In addition to this, there is the declaration that Gallemart cites in Trid. sess. 22. Decr. de obs. etc. num. 6, where it is said: "The Pope allows the Ordinary, considering the personal necessity and the quality of the infirmity, to grant the faculty of celebrating even in a private oratory, or altar specially designated, for the benefit of the sick." The same is admitted by Cardinal Petra t. 4. in Constit. 2. Urb. II. n. 34, saying that it is well for the Bishop to have the power to have the sacrifice of the Mass celebrated in the house of a distinguished man who is suffering from illness, so that he may participate in the sacred rite and be strengthened by the sacred communion. In addition, Honorius III, in the cited chapter In his 30. de privil., when speaking of licenses to celebrate, affirmed that in this matter, a more benign interpretation should

be made. And if this license can be granted by Bishops for laymen who are infirm, so that they are not deprived of hearing Mass, as mentioned above, then it is all the more valid for priests, who often have a certain necessity to celebrate, as is gathered from Trid. sess. 23. c. 14, where it is said: "Let the Bishops see to it that (that is, priests) at least on Sundays and on the more solemn feasts, they celebrate Mass." Therefore, I would not excuse a priest from a light fault, who could celebrate daily (on one day of the week).

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excepting only out of reverence) and without any just cause, but abstained from celebrating only out of laziness; for the priest celebrates not only for himself, but also for the good of the entire Church, and of the Christian people, of whose ministry and intercessor he is constituted, according to the words of the Apostle: "For every high priest taken from among men is ordained for men in the things that appertain to God, that he may offer up gifts and sacrifices for sins:" Hebrews c. 5, v. 1. Hence arises (as I was saying) a certain necessity for the priest to celebrate; and therefore, bishops can more easily grant priests permission to celebrate in their own homes, during their infirmity.

Note I: That the dispensation for a private oratory granted by the Pope lasts until the death of the person to whom it was granted; nor does it perish with the death of the Pope, or the bishop who granted it, because a grace once conferred does not expire with the death of the grantor. See Croix, lib. 6, p. 2, n. 267.

Note II: That if the person to whom the privilege was granted changes his residence to another diocese, the privilege of the oratory is not lost, because, being a personal privilege, it follows the person, although a new approval from the bishop and a new inspection of the place are required. Croix, n. 269, with Sylv. Bon. Barb. Pell. Tamb. etc. Because an inspection is required, even when the residence is changed within the same town, as Croix rightly says, lib. c., with Tamb., against Diem and Quintan.

Whether a person to whom the privilege has been granted can have two oratories, one in the town and another in the country? Croix denies this, ibid., but Pasqual affirms it, apud ipsum, to which I do not dissent, if the person to whom the privilege has been granted does not use it as a mere passing convenience, and if the place has already been approved by the Ordinary.

Note III: This is found in a decree issued by Clement XI on December 45, 1703, which is fully explained by Croix, lib. 6, p. 2, n. 258, where it is stated as follows: "Some bishops, and many religious orders, under the pretext of privileges, believe that they are permitted to do things that are forbidden. Religious orders dare to celebrate in the private oratories of certain noble persons, which are sometimes granted by the Apostolic See for certain reasons, either more Masses than are permitted by the dispensation, or

without the presence of the persons for whose benefit the dispensation was granted, or outside the required hours, or even on those days on which, by diocesan constitutions, or even by decrees of the Holy See, it is forbidden to celebrate, or which are excepted in the very Apostolic dispensations. Then it is declared: In private oratories, which have been granted by the Holy See, it is not permitted to religious of any order, or to any other priests, even if they are bishops, to celebrate on the feasts of Easter, Pentecost, the Nativity of Christ, and other more solemn days of the year, and on days excepted in the dispensation... On the other days mentioned above, it is not permitted to religious, and to any other priests, even if they are bishops, to celebrate in the aforementioned oratories, even if only one Mass, which is permitted by the dispensation, is celebrated."

[*Latin ed. p. 181*]

The celebration [of Mass] concerning which one is to be celebrated must be diligently inquired into, and one must inform oneself as best as possible about it. And even in permitted cases, it cannot be celebrated after midday; and it is demanded further in all such cases that any persons mentioned who attend the Mass do not satisfy the precept of the Church, etc. From this, it is deduced that 4. the celebration [of Mass] is prohibited in private chapels not only on the feasts of Easter, Pentecost, the Nativity of Our Lord, as is expressed in the decree, but also on the feast of the Epiphany, on the feria [weekday] of the Cenacle [Last Supper], on the Annunciation, on the Ascension, on the Assumption of the Blessed Virgin Mary, on the feast of Saints Peter and Paul, and on All Saints' Day, according to the decree of the Sacred Congregation of Rites, published on November 17, 1607 (cited by Merati in the Index, vol. 4, p. 2, no. 74), which is mentioned by Clement XI in the aforementioned decree. It should be noted, however, with Croix, no. 274, 4. that where such a chapel has been permitted because of infirmity, Mass may be celebrated there on all days, even those excepted; and so decreed the Sacred Congregation, as reported by Father Zacchariæ apud Croix, book 6, p. 2, no. 274. Furthermore, it should be noted that on the feast of the Nativity of Our Lord, only one Mass should be celebrated there. It should be noted 2. that this applies only to private chapels, and not to public chapels, with the blessing of the Bishop, as we said above, in which Mass may be celebrated every day, even on solemn days, as is evident from the decree of the Sacred Congregation of Rites of September 3, 1674, cited by Merati in the Index, no. 392. It is deduced 2. that if it is stated in the indult [dispensation] that one Mass is to be celebrated daily, it is not permissible for any priests, even Bishops and regulars, to celebrate another Mass besides that one, under the pretext of privileges, as rightly stated by Benedict XIV, Notes, no. 29, no. 8, and Quarti apud Croix, book 6, p. 2, no. 268, and Tonellius in the Enchiridion, p. 55, no. 6, contrary to Marchianus, Ref. Mise., case 3, who believes that it is not forbidden to celebrate more than one

Mass, unless it is stated in the indult that only one Mass is to be celebrated, namely, only one; because, as he says, "one" is not a restrictive term, as if it were stated in the foundation, "we wish that one Mass be celebrated daily at this altar," it does not therefore prohibit more Masses. However, this opinion seems entirely improbable, because privileges, or concessions contrary to a prohibitive law, must be strictly interpreted; hence, the term "one" means the same as "only," and what is granted for one occasion cannot be extended to more occasions; just as if someone grants someone permission to cross their field once, that person could not cross it more than once. And this is clearly evident from the aforementioned decree, where those regulars are condemned who dare to celebrate more than one Mass in private chapels than is permitted in the indult. But when "one Mass" is expressly stated in the indult, those who celebrate more Masses are already exceeding the concession expressly stated in the indult. The argument from the foundation is not valid; for there, more Masses are not forbidden from elsewhere, nor could the founder prohibit them; but in private chapels, another Mass cannot be celebrated, unless it is expressed in the indult, since it is generally prohibited to celebrate there.

[*Latin ed. p. 182*]

It is permissible; therefore, it is the same when it is said in the dispensation that only one Mass is allowed, because the very wording indicates the will of the Pontiff, that a second Mass cannot be celebrated. You say: It is not forbidden to celebrate Mass multiple times with respect to those celebrating, but with respect to those listening, who, in other Masses, would not fulfill the precept after the first Mass has been celebrated. But I answer that the prohibition is not only with respect to those listening, but also with respect to those celebrating: first, because it is forbidden to all to celebrate in oratories not destined for divine worship by consecration or the blessing of the Bishop; second, because in the aforementioned decree of Clement, two things are separately prohibited: for priests to celebrate other Masses besides the one granted, and for those listening to fulfill the precept in those Masses. The first is derived from these words: "To regular priests and to all priests, even Bishops, it is not permitted to celebrate in the aforementioned oratories, even if only one Mass, which is granted by dispensation, has been celebrated." The second is: "Furthermore, in all such cases, any persons whatsoever who are said to be listening to these Masses do not in any way fulfill the precept of the Church." After these writings, I found the bull of N. SS. Pope Benedict XIV, *Magno*, dated June 2, 1754, by which the dispute was ended; for the Pope, declaring there how such dispensations are to be understood, says: "These have been established according to the law, as can be gathered from the formulas of the letters in the form of a Brief, which are granted... Neither are more to be celebrated on a day, but only one Mass in the oratory." Therefore, the prohibition does not only concern those

listening, but especially those celebrating, since it is forbidden to celebrate multiple times in a private oratory. You ask here, whether it is permissible to administer the Eucharist in private oratories without the license of the Bishop? It is certain that the Bishop can prohibit the administration of Communion in a private oratory, as declared by Benedict XIV in the bull *Magno*, issued on June 2, 1754. But if there is no prohibition, the *Clericat. de Euch.*, decree 8, n. 54, affirms, because it is desired by the Council of Trent that the faithful present at each Mass should sacramentally receive Communion. Nor does Portella, in *Diana*, page 4, treatise 4, response 14, dissent, saying that the reception of the Eucharist in a private oratory does no injury to the parish priest, when it is not done by order. However, Diana, Quarti, and Giribaldus, in Benedict XIV, *Notif.* 29, n. 44, deny this, reporting that Innocent III, in Rome, once denied a certain noble matron permission to receive Communion in a private oratory, except in the case of infirmity. Pignatell, *Cons.* 98, n. 86, Pasq., *de Sacr. Miss.*, question 644, and P. Gattico, chapter 29, n. 6, also deny this, because the administration of the Eucharist pertains to the jurisdiction of the Ordinary, since it is an act of feeding the sheep; and therefore, religious are in need of special privileges in order to administer the Eucharist. Hind, the same Pope, Benedict XIV, in the Encyclical *ad Episcopos regai* (1) "Communius," *Hom. Ap. Examen ord.*, n. 114, Edit.

[*Latin ed. p. 183*]

In Poland, on the same day, June 2, 1751, it was decreed that Holy Communion should not be given in private chapels to those who are present without the permission of the Bishop. As for the Sacrament of Penance, it is certainly not licit to administer it without a just cause in a private chapel, as is stated in the Roman Ritual concerning the Sacraments of Penance, where it is said: "In the church, but not in private houses, (the priest) should hear confessions, unless for a reasonable cause; but even then, he should strive to administer it in a decent and public place." This was also confirmed in the aforementioned *bulla* *Magno*, § 20. Regarding how one may fulfill their duty by hearing Mass in private chapels, see the aforementioned works, book 4, numbers 319 and 360.

"Thirdly, concerning the privilege, which is said to be held by religious and those who participate with them; which was revoked by the Council of Trent, session 22, chapter 8." Although many desire it, it is nevertheless denied, as stated in *Dian.*, page 3, volume 2, reason 80, page 4, volume 4, reason 406, by John Salas, Rodriguez, and others. And according to Cardinal de Lugo, *d. 20, s. 2, n. 51*, it is probable, and according to Tumb., *de exped. celebr., l. 4, c. 3, § 3*, it is more probable. See Barb. *in Trid., l. c.* Furthermore, the religious of the Society of Jesus, by order of Gregory XIII, are permitted to say Mass both on missions with the permission of their superiors in any suitable place, and in their own houses in a respectable

place, designated by the Provincial; and this is permitted to others as well.

This opinion, namely that the privilege of religious concerning private chapels was not revoked by the Council of Trent, is held by Roncaglia, *de sacrific., c. 5, g. 2, in fine*, and others; but this opinion is no longer probable today, after the decree of Clement XI, issued on December 45, 1703 (as cited by Croix, book 6, page 2, number 258), as Holzm. rightly teaches, volume 2, page 84, in fine, with Anacl. Elbel, and others. In the aforementioned decree, it is declared: "The privileges granted to certain religious orders concerning the use of a portable altar, and communicated to other religious orders by some Supreme Pontiffs, so that they might celebrate Mass in it without the permission of the Ordinary in the places where they reside, have been entirely revoked by the same Council of Trent." And this was also declared by Benedict XIV in the aforementioned *bulla* *Magno*, § 29. Father Mazzotta states, volume 3, page 486, that this should only be understood concerning private houses, and not concerning the houses of the religious themselves. However, it is necessary to note the Constitution of Innocent XIII, issued on May 43, 1723, which begins with "Apostolici ministerii" (as cited by Merati, volume 1, page 2, in the Index, number 648), and which states: "Concerning the celebration of Mass in private chapels, according to the decree of Clement XI (mentioned above), the Bishops must take care that all the regulations established therein are observed everywhere: with the addition of the prohibition that no altar be erected for the purpose of celebrating the sacred rites in the private cells or chambers of religious..." removing any custom to the contrary.

361. "I said: not violated; because in a church, if it is violated internally, unless it is first reconciled, it will not be licit, as Laym. teaches, book 5, volume 1."

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5. c. 5. n. 7. from Navar, Suar., Conc. etc., unless in necessity, with the bishop's blessing (if this is possible, otherwise without it, as Cardinal de Lugo states in book 1, chapter 63), to celebrate Mass or to bury the dead. (Similarly, Salm. translates book 5, chapter 4, page 2, number 64, with Lugo and Philibert. Necessity is considered sufficient if the people do not have another church where they can hear Mass. However, if the church is defiled by a canonical irregularity, the priest must continue to celebrate Mass. Pal. Suar. Conc. Laym. with Salm., ibid., in fine.)

The question arises: Does one incur any penalty for celebrating Mass in a defiled church? Sylv., in "De Consecratione," 2nd question, 9th article; Azor, book 10, chapter 26, 16th article; and Graff., "Nav.," etc., apud Escob., book 21, number 366, state that one incurs suspension from entering the church, according to chapter 6 of the "De Privilegis Episcoporum," where those who celebrate in forbidden places (as it is stated there) are forbidden from entering the church. However, Suar., d. 84, section 4; Laym., chapter 5,

number 6; Lugo, d. 20, number 52; Benedict XIV, "De Sacra Missa," book 3; Salm., cited number 64; and Escob., book 21, number 368, more plausibly deny this. The reason is that the text does not speak of those celebrating in a temple that is forbidden by a general interdict, but rather of a temple that is defiled; it is different to say that a temple is forbidden and to say that it is defiled. Therefore, one incurs no irregularity, as Escob., Salm., and Benedict XIV correctly state, against Hostiensis, because the violation of the church is not a censure, by which one incurs an irregularity.

I add 4. Church: because an oratory, although intended for divine worship, is not subject to violations if it has not been blessed, unless it contains an altar for performing divine services; as Bonaventure states in "De Matrimonio," question 4, final response, number 9. This is also taught concerning hospitals in Navar, Sot., etc., but others more plausibly teach the contrary, as Cardinal de Lugo states in number 60.

I add 2. Interior: because what is done in a tower, sacristy, above the roof, or in a crypt, under the floor (unless it is a burial place, or singularly blessed), does not violate the church. (With Salm., ibid., number 67, in fine, with Dic., etc.)

I add 3. Unless it is reconciled: which must be done by the bishop, or by a priest, by the privilege of the Pope, as the superiors of regular orders have for their temples, as Avila notes in "Diana," page 4, volume 4, page 94, if it has been consecrated. (Water blessed by the bishop, or by themselves, if the bishop is more than two days' journey away, as Roncag. states in chapter 5, question 6, with others) must be used; this is to be presumed if the feast of dedication is celebrated. If it has only been blessed, reconciliation can be done by a simple priest by sprinkling with blessed water. (However, the delegation of the bishop must precede this, as Palause notes in page 8, number 14, and this is found in the Roman Ritual, title "De Benedictionibus." The water can be blessed by the priest himself, as Salm. translates in book 5, chapter 4, page 2, number 66, and Palause, book 21, with Barb. Henr., Laym., etc., against Tolet. Indeed, Benedict XIV, "De Synodo," book 3.

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45. n. 2. at the end, it states: "If the Church is simply blessed, then, as Gregory IX. states in chapter 'Si Ecclesia,' concerning the consecration of a church, that a simple priest, with the use of blessed water, which they call holy or lustral, can reconcile a defiled church, 'with the faculty of the Bishop, or without it,' according to Diana, page 4, volume 4, reason 91. It is also considered reconciled if a sacrifice has been performed therein," as Tamb. teaches in the aforementioned passage, section 4, from Henry Sa. And it is considered probable that Diana states this, but Cardinal de Lugo, in 'De Euch.,' book 20, section 2, number 62, denies it. (And with de Lugo, Nav. chapter 27, number 256, Laym. chapter 5, number 43, see 'Adv. 4,' and Pal. page 6, number 14, agree with Azor, because nowhere is the celebration

held to succeed the act of reconciliation. See the statements in number 380.) Furthermore, a church, like a cemetery, is defiled or polluted in the following cases: but not, unless after the matter has been made known. Laym. book 5, volume 6, chapter 5, page 364. Unless it is publicly known, the church is not considered defiled, even with respect to the one who committed the offense. Salm. ibid. number 67, and generally. However, Ethel, in 'De Sacril.,' number 578, and cites Diana, Moya, and Laym., along with others, that for the defilement of a church, not only the notoriety of the act is required, but also the declaration of the law by the sentence of a judge; but I do not consider this opinion to be safe, since it is contrary to the common opinion held by Laym. book 5, volume 5, number 8, Pal. book 41, page 1, number 2, Salm. 'De sacr. miss.,' chapter 4, page 2, number 67, Mazz. 'De sacr. miss.,' chapter 3, section 2, Spor. in the same title, chapter 6, number 441, Croiæ book 6, page 2, number 289, Ronc. in the same title, chapter 5, question 4, who all say that it suffices for the defilement either the notoriety, or the law, or the act itself; and this is clearly evident from chapter 'Significasti de adult.,' where, because of the notoriety of the act alone, it was declared that the church was to be reconciled. And from the same passage, it is also clearly deduced, as Less. book 4, chapter 3, number 87, and Escob. 'De missa probl.,' number 71, number 398, along with Nav., Sanch., Azor, etc., that, even if the crime is secret, if it later becomes public, the church is considered defiled without a new offense. 1. By an act of homicide within the church, which is mortally evil, or injurious, at least to the immunity of the church, as is also the case where, even if it would otherwise be just, it is done by the sentence of a judge, unless the perpetrator cannot be apprehended. It is not such an act if I. it is done by chance, or by a loved one; II. it is done in self-defense; III. the cause is given outside the church: because it is required that the wound or physical cause occur within the church. See Cardinal de Lugo, 'De Euch.,' book 20, section 2, number 53. It is questioned whether the church is defiled if a lethal wound is inflicted without the shedding of blood within the church, and death occurs outside of it? Suar. book 84, section 4, Azor book 40, chapter 26, question 43, and Diana book 6, volume 6, reason 26, along with Prep. and Reg., deny this, because, as they say, in chapter 'Proposentis de consec. Eccl.,' it is required that death follow within the church. But it is probable.

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Lugo affirms this in book 20, number 53; Laym in chapter 5, number 8; Salm in the same place, number 68; and Escobedo in book 21, number 371, all in agreement with Navar and Marchino. Furthermore, the text does not explicitly state that death must occur within the Church, as it only says: "Homicides are committed; and sometimes wounds are inflicted; and then reconciliation is required." Therefore, the text does not necessarily require death to occur within the Church. Moreover, it is sufficient for the violation

of the Church that the physical cause of death be given within the Church (we say physical, because, as Escobedo and Lugo rightly state in their respective works, a moral cause, namely, the giving of a command or counsel for murder, is not sufficient within the Church). And so, the Church is also violated, as Lugo states in number 53 and Escobedo in number 377, citing Suarez, Graffin, Sylvius, Azor, Navar, Tolosa, Avila, Rega, and Sayr (contrary to Diana, page 6, treatise 6, paragraph 47, and Persicus, cited by Escobedo in number 375), if a wound is inflicted within the Church, and blood is shed outside. For the Church is not polluted so much by the shedding of blood, as by the injurious action that causes the shedding. In the chapter "Si Ecclesia," concerning the consecration of the Church, which will be presented shortly, it is stated that the Church is violated by the shedding of blood; but it is not required that the shedding occur within the Church. Therefore, whenever there is an injurious assault with the shedding of blood, the Church is violated. The same must be said if someone outside the Church kills another with an arrow or a crossbow, as Salm states in treatise 5, chapter 4, page 2, number 68. Conversely, as Lugo rightly states in his dictionary, number 53, if a wound is inflicted outside, and death occurs or blood is shed within the Church, then there is no injury to the Church.

365. — "2. By a mortally sinful shedding of one's own, or another's, blood, or semen, caused or made in the temple, even if not in the temple." Therefore, it does not violate [the Church] if a few drops flow; because it is not a shedding. (As is also stated in common by Benedict XIV in "De Missa," volume 9, book 3, chapter 7; Elbel in "De Sacris," number 578, citing Felician's "Potestas" and Salm in the same place, number 69, citing Dicetur's "Philosophia," and others; and this is evident from chapter "Si Ecclesia," 10, concerning the consecration of the Church, where it is stated: 'If the Church, whatever it may be, is polluted by the shedding of semen or blood, it must be washed with water previously exorcised.') Note that by "shedding of blood" is meant a copious amount. "II. If it occurs from a slight blow or wound, e.g., from the nose in a children's quarrel, even if a copious amount of blood flows." (Thus also Elbel in the cited passage, and Lugo in book 20, number 54, because in this case, there is generally no mortal sin. Indeed, some, such as those cited in "Ecclesia," number 43; Diana, page 3, treatise 6, paragraph 24; and Sotus, Victorius, Fagius, Marchinus, and Graffin, cited by Escobedo in book 21, number 372, extend this even to adults, because blood flowing from the nose is not properly said to flow from a wound, since blood easily flows from the nose. However, it is probable, as Bonaventure states in "De Matrimonio," book 9, page at the end, number 20, and Escobedo in number 374, citing Sylvius, Navar, and Francis, that Lugo believes the Church is violated if such a shedding occurs with a mortal sin, because then there is already a grave injury to the Church by the shedding. "III. If it occurs from the cutting of a vein. IV. A conjugal

act.

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When excused from sacrilege. (See the statements on this matter in book 4, chapter 458.) V. Defilement caused by an act of love. VI. Blasphemy incurred; see regarding Lugo, book 20, chapters 54 and 55, and 366. — • 3. By the burial of an excommunicated person, or an unbeliever (by which term, here, the heretic is not included, as taught by Cardinal Lugo in the aforementioned passage, chapter 57), even of a child, as taught by the decree of the Church concerning consecration, section 1. The Prelate teaches. Although, if the parents of the child are faithful, Sayr disagrees. See Bonaventure on the Eucharist and Matrimony, book 4, question 4, at the end. 367. — • 4. By the destruction of the entire church, or a major part thereof • (Whether it be the walls or the roof. Palafox, page 7, number 18. Salmeron, volume 5, chapter 4, page 2, number 74, with Suarez, Layman, and Busenitus, infra, number 2.); • although in this case, it is rather said to be profaned than defiled; but not if only the roof is destroyed, or if it is successively destroyed in small parts and repaired. • (Even if the entire church is rebuilt. Palafox, ibid. Salmeron, ibid., at the end, with Gabrel, who notes that if a church is profaned, the cemetery is also profaned; but not the reverse.) • Nor even by desolation, heretical practices, the filth of men or animals present there, etc., although it is improper and has practice, so that through the Bishop, or at least a priest, with some ceremony, it may be reconciled and cleansed: understand a similar case regarding the altar. Layman, book 5, chapter 5. 368. — • Questions. What is profanation, or desecration, and when does it occur? Answer. Profanation is said to occur when a sacred thing loses its consecration, so that it must be re-consecrated, which happens when it is destroyed to the point that it loses its form and its use. Therefore, it is resolved: — • 4. If a church is defiled, then the altars fixed within it are also defiled; but if a church is profaned, the altars are not profaned, nor vice versa. — • 2. A church is profaned if the walls are destroyed to a major extent, or if all of their roofing is removed, or at least a major part thereof is removed at once. Otherwise, if one part after another is removed. See Lugo, book 20, chapter 65. (And this is so even if, over weeks or days, the entire church is rebuilt, as Suarez teaches, book 81, session 4, case 6. Layman, chapter 5, number 46, and Palafox, page 8, number 45, with Sylvestri, Salmeron, and Barbatus, because whatever part is added remains consecrated, as the greater draws the lesser to itself. This also holds true, even if there is an intention to destroy the entire church, as Palafox says, ibid., with Navarret, Suarez, Barbatus, etc., but that intention does not prevent the consecration from remaining.) • However, if the roof

collapses, because the consecration is in the walls. See Layman, ibid.

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369. — "3. The altar is rendered invalid (execratur) if 1. The consecrated stone is removed from the lower structure. Thus, according to c. Ad hæc and c. Ligneis, concerning the consecration of the altar, this applies to the entire table, so that it may be sacrificed upon in any part of it. However, the altar is not rendered invalid if only some of the stones of the structure are removed, as taught by Suar. d. 84, sect. 5; Laym. c. 6, n. 6; Pal. p. 41, num. 9. Indeed, Vasquez and Suar., citing him, state that the altar is not rendered invalid if the entire table, along with the stones to which it is attached, is transferred elsewhere; because the texts do not speak of separation from the place, but of separation from the structure. This pertains to a fixed altar; but a portable altar is by no means rendered invalid if the altar is moved from the wooden frame or from the casing in which the altar is enclosed; for that casing is instituted not for the form, but only for protection and ornamentation, as rightly stated by Suar. l. c.; Laym. n. 3; and Pal. with Sa, Sylvest. Abb. and Con. contra Palud. and Ang. The texts prohibiting separation speak only of a fixed altar. Note here the decree of the Sacred Congregation of Rites, published on December 3, 1661, in Merati, vol. 1, p. 2, in Index, n. 393, where it is stated: 'He who has obtained permission from the Apostolic See to erect a private oratory in his own home, if he wishes to add a wooden altar there, does not need apostolic permission; provided that the wooden altar, with the sacred stone attached to the wall, is not removable, and that it does not bear the appearance of a portable altar.' See n. 424, 13, 2. If it is broken (whether fixed or portable), 'so that in no part of it' can the chalice and paten be placed' (Secus si in aliqua parte calix et patena cum hostia consistere possit, as stated by Salm. tr. 5, c. 4, p. 3, n. 79; Lugo; Pal.; and also Cont. Tourn. de sacrif. cap. 9, art. 2, sect. 7, quær. 7, r. 3, from c. 3, de Consec. Eccl., where it is prescribed that the altar table must be re-consecrated if it is broken to such an extent, at least in the larger part, as Tamb. says, c. 1, §. 1, num. 5. Can an altar be made of two stones joined together? Hurt. and Pasq. affirm this, as cited by Croix, n. 314. But, most commonly and rightly, it is denied by Salm. ibid. n. 80; Tourn. p. 804, qu. 2; and Tamb. c. 5, §. 1, n. 6, along with others.) 3. If the sepulcher is plundered: which, however, some deny, as Lugo and Tamb. l. 1, c. 5, state.

Here, one doubts: 1. Whether the relics of the Saints are necessary for the consecration of the altar: The first opinion affirms this, which is held by Sylv. v. Altare, quæst. 4; Azor t. 1, lib. 10, c. 27, quæst. 8; Habert. t. 5, p. 704, quæst. 3; Cont. Tourn. loc. cit. v. Quær. 5; Armilla, etc., as cited by Escob. l. 21, n. 421. It is proven 1. from c. Placuit, de Consecr. dist. 1, where it is prescribed that altars which lack relics should be overturned; and the same is found in the Council of Carthage, V, c. 14. It is proven 2. from canon 7 or 9 of the Second Council of Nicaea, where it is said that no temple should be

consecrated without the relics of the Saints. It is proven 3. from custom."

[*Latin ed. p. 189*]

The Church, which is sufficiently indicated by that prayer said in the Mass: "We pray to you, O Lord, through the merits of your saints whose relics are here, etc." The second, more common opinion denies that relics are necessary; and this is held by Suarez, *d. 81, sect. 5*; Layman, *c. 6, n. 8*; Lugo, *d. 20, n. 75*; Palafox, *p. 9, n. 5*, with Panormus, Vasquez, and the Council of Vivar, *qu. 5, art. 6, n. 9*; Elbel, *p. 143, n. 159*; and Escobedo, *l. 21, n. 422*, with Anglerius, Hostiensis, etc. Croesus considers it probable, *l. 6, p. 2, n. 306*, and Merati, *l. p. 2, n. 398*. The reason is that, as they say, nowhere is there an expressly stated precept regarding the placing of relics; that which is found in the cited Council of Carthage, they say, is not from any general council. And that which is found in the Council of Nicaea, they say, is to be understood of relics required in the Church, but not in every altar; at least, such a precept, if it ever existed, has been abrogated by contrary custom. As for that prayer in the Mass, "Whose relics...", it is understood to mean "if they are present." Nevertheless, despite these things, I believe that we should not depart from the first opinion, first, because of the universal contrary custom, which, as Contenson rightly observes in *Tourn. ibid.*, is firmly established because, as he notes with Sylvius, in the ancient Missal, the aforementioned prayer was prescribed in the Mass if relics were absent, but the later Missals removed this exception; and second, because of the decrees of the Sacred Congregation of Rites, which will be presented shortly, where it is declared that an altar is desecrated if the relics are removed from it, or if the seal is broken; from which it is sufficiently proven that relics are necessary for the consecration of the altar. And this was more clearly stated in another decree of January 19, 1644, *ap. Croesus, l. 6, p. 2, n. 2055*; Decree 143, where it was said that a portable wooden altar is permitted, provided it has a repository for relics. A question arises: Does an altar lose its consecration if the seal is broken, or if the tomb with the relics is removed? By "tomb" is understood that receptacle in which the relics are kept; and by "seal" is understood that small stone with which the tomb is closed. The first opinion denies this, and this is held by Suarez, *d. 21, sect. 4*; Elbel, *p. 134, n. 259*, with Anaclasius; and Escobedo, *lib. 21, n. 426*, with Franciscus. Lugo and Aversa, also Soto, Vasquez, and the Council of Tampere, *ap. Croesus, n. 306*, in fine, consider it probable, with Layman, *c. 6, n. 9*. They use the same reason as before, namely, that it is not certain that relics are necessary for the consecration of the altar. The second, more common opinion affirms this, and this is held by Holzmuller, *p. 85, n. 371*; Sporer, *p. 147, num. 376*; Contenson in *Tourn. loc. cit.*, *qu. 7, r. 3*; Pontanus, Habert, *t. 5, p. 704, q. 3*; Layman, *l. c.*, with Sylvius, Anglerius, Durand, Henricus, etc., as is commonly asserted, also Bonaventure and St. Antoninus, *ap. Palafox, p. 9, n. 6*. The reason is that, as Layman says, "such

is the custom of the Churches, that altars, if the seal is broken or the tomb is removed..."

[*Latin ed. p. 190*]

They must be consecrated anew. And I believe this opinion should be held, based on a decree of the Sacred Congregation of Rites, which on March 5, 1603, declared: "A portable altar loses its consecration when it is broken, or when the repository of relics is removed from its place." (Cited in Pitton, vol. 1, on Rites, no. 184.) Furthermore, on March 5, 1623, it declared: "It cannot be celebrated upon an altar, or upon a table that has been secretly or without consent, or by force, had relics removed from it, unless the altar is consecrated anew." (Cited in Pitton, no. 699.) Also, on June 21, 1710, it responded: "If an altar has been consecrated in the manner of a portable altar, it is not desecrated by any removal, but only when the tomb of the relics is broken." (Cited in Pitton, no. 1687.) However, Cont. Tourn. ibid. at the end, and Sporer, state that in cases of urgent necessity, it will not be illicit to celebrate upon such an altar. It should be noted here another decree of the Sacred Congregation, issued on November 10, 1599 (Cited in Pitton, no. 400), in which it was stated: "If the remains of the dead have been buried beneath the altar, or beneath its steps, Mass cannot be celebrated there until they have been removed elsewhere." This was confirmed on June 13, 1635 (Cited in Pitton, no. 672). However, Croic, in book 6, page 2, no. 2067, notes that if the remains have been buried deeply in a cell, constructed under a high vault, it does not seem to be prohibited to say Mass over it; for then the remains appear to be sufficiently separated from the altar, and the words, the relics of which are here, do not fall upon them.

370. — "4. The chalice is desecrated if it is noticeably broken, or in such a way that it becomes unusable for the sacrifice: for example, if there is a hole in the bottom, even if it is very small." (However, it is not desecrated if the hole is in the upper part, so that the chalice can properly retain the sacred species. Ronc. c. 5. q. 4. with Diana.) "Or: if the shape is destroyed: but not if it can be separated from the cup in a lathe, because in a lathe, only the cup is consecrated." Bon. d. 4. c. ult. p. 9. etc. "Suar. etc." (See below, in Doubts, no. 4.) "Nor is it desecrated if the plating is lost. Therefore, although it is commonly held that the chalice and paten, after a new plating, are again consecrated, as far as the part that touches the Body or Blood of Christ, yet Durand, Con. and others, contrary to Suar., Bon., and others, teach that this is not necessary, although it is fitting to wash them with blessed water. Thus, Diana, vol. 1, on the Mass, rule 3, and Laym. here, also Lug. d. 20. no. 94. Doubt 1: Does the chalice become desecrated if the plating is lost? Az., Palud., etc., assert this (Cited in Escob. l. 21. no. 468), because the immediate subject of consecration is removed, when all the unction on the surface of the chalice is gone. However, Lugo, d. 20. no. 94,

Sporer, no. 399, Cont. Tourn., chapter 9, article 2, section 8, question 6, reply 5, with Suar., Laym., Sylvest. Ang., and others, more probably deny this, as Escob. no. 470, with Con., Fill., Arm., etc., commonly say. The reason is that, although the unction is not applied except on the surface, the entire mass of the chalice is consecrated.

[*Latin ed. p. 191*]

It is evident that if the chalice is not re-gilded, and its base is broken, even if the cup itself remains intact, the chalice is considered detestable, as all commonly say; therefore, the consecration does not consist solely in the surface, but in the entire chalice.

Doubt 2: Does a chalice that is newly re-gilded require a new consecration?

Some affirm this, as stated by Suarez, doubt 81, section 3; Azorín, chapter 28, question 4; Bonaventure, page 9, number 19; Vasquez, Sylvaster, Anglerius, Tamburelli, etc., as cited by Salmeron, volume 5, chapter 4, page 4, number 90, because the chalice is consecrated due to the contact with the blood of Christ; therefore, when that surface is not consecrated, it is necessary that the chalice be consecrated anew.

Others, however, argue more plausibly, as stated by Layman, chapter 6, number 7; Lugo, number 20, number 95; Elbel, number 281; Tamburelli, section 5, number 6; Escobar, book 21, number 473, with Durando and Dian; also, the Councils of Sens and Braga, as cited by Salmeron in the aforementioned passage, at the end.

Palatius, page 10, number 12, considers it probable, and Contenson strongly agrees. The reason is that, as we saw above, it is a common doctrine that a chalice, by losing its gilding, does not lose its consecration; therefore, it does not lose its consecration if it is re-gilded, just as a church that is re-baptized does not require a new consecration; this is the common opinion of the Doctors. Or, if a small part of the chalice is physically damaged, that part remains blessed, as clearly inferred from chapter 1 of the De Consecratione Ecclesiae, where it is said: "The greater is capable of drawing the lesser to itself."

The objection is: Although the chalice remains consecrated, the gilded surface, which is the only part that immediately touches the blood of Christ, is not consecrated; in the same way, if another cup were placed inside the chalice, that inner cup would not become sacred; as Suarez and Vasquez state.

However, this can be easily answered with Lugo: That gilded surface, by being joined to the consecrated chalice, also becomes sacred, just as the baptism of a church and a part of a body are made sacred by adjunction, as we have said; also, if unblessed oil is mixed with a smaller amount of consecrated oil, that mixture becomes consecrated, as is evident from chapter

3 of the De Consecratione Ecclesiae, where it is said: "We do not deny that unblessed oil can be mixed with consecrated oil."

The reason is different for a cup placed inside another, which is a distinct vessel, and the gilded surface, which is part of the same chalice, and forms one with it.

However, despite all the above, after careful consideration, I have judged that when a chalice is newly re-gilded, it must be consecrated anew; the reason is that then the surface of the chalice, which has immediate contact with the blood of Christ, remains unblessed; all the more so because, as Barbos and many others testify, it is the practice of the Church and the accepted custom to re-consecrate chalices when they are re-gilded.

In the case where the gilding is lost through prolonged use, I believe it is more probable, as stated by Silvio and Ferraris, that a new consecration is not required to celebrate Mass with such a chalice; because then the reason holds that a chalice, once consecrated, remains entirely consecrated thereafter, as one.

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Once consecrated, it remains consecrated. However, if a new plating of gold is applied, and this new gold touches the substance immediately, doubt arises.

3. Is it permissible to celebrate Mass in a chalice that has never been gilded? Tambini, in *Methodus Missae*, chapter 1, section 1, number 3, affirms that it is permissible, because, as he says, such usage has become customary; but this reason does not seem to hold today, since everywhere today the custom is to the contrary. Croix, in book 6, page 2, number 346, considers it probable, and others widely assert, perhaps for a different reason, that although in the rubric in title 1, concerning Preparation, it is stated: "The chalice must be either gold, or silver, or at least have a silver cup inside, gilded, and together with the paten, also gilded," nevertheless, in another rubric concerning defects, in title 10, number 1, it is stated: "The cup of the chalice must be gold, or silver, or pewter: not copper, or glass," with no mention of gilding; from which it is inferred that the absence of gilding is not to be considered among the defects. And in the first rubric, it could be understood that gilding is required only for appropriateness and for greater decorum, since there it expressly requires a gold, or at least a silver, chalice, and nevertheless, in the second rubric, pewter is also admitted. Others, as Contenson of Tournai, in chapter 9, article 2, section 8, question 6, and Lugo, in book 20, number 90, say that the one who consecrates in a chalice that is not gilded is not exempt from venial sin, unless poverty excuses him. And this seems more probable, since in the first rubric it is stated that the chalice must at least have a silver cup inside, gilded, etc. And this is confirmed by common custom. The second rubric, where a pewter chalice is permitted, does not contradict this; for it must be understood

according to the text in canon 45 of the De Consecratione, in the first dist., where it is permitted to consecrate in a pewter chalice, only by reason of poverty; and it should not be thought that the rubric intended to contradict the text; therefore, in order not to say that the rubric contradicts itself, it must be said that the first rubric is to be understood according to the second, namely, requiring a silver chalice, unless poverty excuses; and it must be understood under the same limitation, when it requires gilding. It should be noted in passing that the rubric permits a pewter chalice, but not a copper one; however, Holzmüller, number 373, says that in this rubric, a chalice made of copper, or brass, gilded, is not prohibited; for in the cited text, "Ut calix," such a chalice is prohibited only to the extent that it, because of the wine, produces rust, which provokes vomiting: but a copper chalice that is gilded does not produce rust; and therefore, Holzmüller says that this is customary in Germany for poor churches.

4. Does the chalice lose its consecration if the cup is separated from the base? If the cup is fixed to the base, it is certain that it loses its consecration; but if the base is detachable, then St. Antoninus, in 3 parts, title 43, section 5, and Paludanus, in *Sylvaster*, as quoted by Escobar, in book 21, number 474, affirm that the chalice, by separation, already loses its form. But generally, Suarez, in book 8, section 1, section 7, Bonanni, page 9, number 20, Lugo, in book 20, number 93, and Roncaglia, in book 6, deny this.

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4. and Escob. n. 476. with Pill. Aversa, Hurt. and others. The reason is that, through such a separation, the chalice truly does not lose its form, since its parts can be joined again without a new process. 371. — • 5. Sacred vestments are desecrated when they are destroyed to the point that they lose their use; for example, if a portion of the *cingulum* is no longer sufficient to encircle the waist, or if a portion of the alb is separated from the rest, even if it is subsequently repaired. However, they do not lose their sanctity if a part is worn away through use; or if a portion suitable for encircling the waist is attached to another part of the *cingulum*, because then the accessory follows the principal. Lugo, Tamb. de exp. Sacr. l. 4. c. 3. §. 2. • (Likewise, it is said by Cont. Tourn. loc. cit. sect. 8. at the end, see v. Dico 5. Salm. tr. 5. c. 4. p. 4. n. 94. with the common opinion, Tamb. c. 3. §. 2. Elbel n. 292. with Laym. Gav. and others, throughout. Therefore, Suar. d. 39. sect. 2. and 3. Bonac. p. 9. n. 26. Laym. cap. 6. num. 6. Cont. Tourn. ibid. quær. 14. r. 4. and infra v. Dico 5. and Pal. p. 10. n. 42. with Nav. and Con. say that the corporal loses its blessing when it is rendered unfit for properly containing the chalice and paten; the alb, when a portion is cut away from it; the *cingulum*, when it is torn in such a way that neither part can encircle the waist; the stole, when it cannot cover the shoulders; and the same should be said if any part of it is torn, even if it is immediately sewn back together, because it has already lost its form. • Similarly, if a stole,

or a double cassock, are easily separated into two parts, each of which is suitable for the sacrifice, they do not lose their blessing. Tamb. loc. cit. • (This is commonly held by the Doctors, with Suar. d. 82. sect. 2. Salm. cit. n. 94. at the end, and Sa ap. Pal. p. 10. n. 8.) • 6. Parts torn from a consecrated object, because of the destruction of its form, cease to be sacred; for example, pieces of wood and stones from a ruined church, or altar: but with respect to the sacred thing of which they are remains, they cannot be applied to profane uses, or to building, without the permission of the Pope. However, sacred statues and images from a destroyed temple should be placed elsewhere, and a cross should be erected in the place of the church. Also, worn-out vestments should be consumed by fire, and not used for profane purposes, as is stated in c. Altaris, de Consecr. dist. 4. See Suar. and Sa, v. Missa, and Laym. loc. cit. c. 6. Tamb. tamen l. 4. de exped. Sacrif. c. 2. §. 3. from Pal., also Dian. p. 5. tr. 43. res. 76. teach that it is probable that it is not at least a mortal sin, if the form is changed and applied to profane uses, for example, a broken chalice, a dissolved alb, fragments of the corporal, etc. • See the statements in l. 4. num 41. To this, add what is stated in cap. Ligna, de Consecr. dist. 4., where Pope Hyginus states: "Wood dedicated to the church should not be joined to another purpose, unless to another church, or it should be burned, or used for the benefit of a monastery." However, Salm. tr. 24. c. 10. p. 44. §. 2. n. 446. with others, commonly say that such wood should not be consumed in the kitchens of religious. Furthermore, Sylv. v. Benedictio q. 7. says about stones.

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Churches are to be located in the buildings of religious orders, but I have not found anyone who says this, nor do I see it proven by any text. The question here is, whether it is permissible for secular priests to celebrate Mass in the churches of religious orders, contrary to the prohibition of the Bishop? It seems to be opposed by the Tridentine Council, Session 22, Decree concerning what is to be observed in the celebration of Mass, which states: "Each [Bishop] forbids in his diocese that any wandering and unknown priest be permitted to celebrate Mass." But it can be replied that this is said concerning his own diocese; but the churches of religious orders are exempt from the jurisdiction of Bishops, and are therefore considered as being located outside the diocese, as has been probably stated in book 4, number 456, at the end. However, Lexana in Summa, question on Religious Orders, volume 4, chapter 42, number 41, in the section "Ad duodecim," states that the Sacred Congregation of the Council, under the date of June 2, 4620, declared that it is not permissible for religious orders to admit secular priests to celebrate Mass in their churches contrary to the prohibition of the Bishop. But do such declarations obligate as laws? See the statement in book 4, number 406.

DOUBT V. What are the requirements for Mass?

372 Those things which are prescribed are indicated in the Rubric.

373 I. A consecrated altar is required.

374 II. A triple pall.

375 Doubt 1. Are two palls sufficient, or one doubled?

Doubt 2. Must the palls be blessed?

Doubt 3. Must both the palls and the corporal be made of linen?

376 III. Sacred and clean vestments.

377 Doubt 1. Is it mortal to celebrate without a stole, maniple, or cincture?

Doubt 2. Is it permissible to celebrate without any sacred vestment for fear of death?

378 Doubt 3. Can regular prelates bless sacred vestments?

Doubt 4. Can Bishops delegate the permission to bless vestments to others? (See also number 381.)

Doubt 5. Is the color of the vestments prescribed?

379 IV. A consecrated chalice and paten.

380 Do chalices, vestments, etc., remain consecrated, or blessed, if someone celebrates in them?

381 Can abbots bless chalices, vestments, etc., even for churches belonging to others?

383 Who is it permissible for to touch sacred vessels, corporals, and vestments?

385 Concerning the pyx and the material of the same, or the chalice.

384 Doubt 1. Must the pyx be consecrated?

385 Doubt 2. Must it be blessed?

386 V. A blessed corporal.

387 Who is it permissible for to wash corporals? And must water for ablutions be entirely poured into the sacrarium?

388 VI. A linen pall. Is it mortal to celebrate without a pall, or with one that is not blessed? And is it permissible to use two palls?

389 VII. A purificator. Must this be blessed?

390 VIII. The Missal. Is it permissible in necessity to celebrate without a Missal, or with a Missal that is of a different rite?

391 IX. A male minister.

Doubt 1. What sin is it to celebrate without a minister?

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333. Question. Does a sin of considerable magnitude occur if a priest celebrates Mass with an assistant, or if he responds to the server?

340. I. Concerning the Cross. Question. Is it mortally sinful to celebrate

Mass without a cross, or a crucifix? Question. If a large image of a crucifix is placed on the altar, is another cross required? And must other images of Saints be blessed?

344. II. Concerning Candles. Question. Is it permissible to celebrate Mass with candles made of tallow, or oil? Question. Is it permissible with a single tallow candle? And with four candles?

345. III. Concerning the Antependium, the Pall, the Chalice, the Paten, and the Manutergium.

346. IV. Concerning the Covering of the Head.

347. Question. Is it mortally sinful to celebrate Mass with the head covered? What if there is a just reason for doing so?

348. Question. Is it permissible to celebrate Mass with a false hairpiece?

349. Are the rubrics of the Missal directives, or are they precepts?

350. Is it mortally sinful to omit minor ceremonies in a notable part of the Mass? And for how long must one remain in the sanctuary during the celebration?

351. Does every decree of the Sacred Congregation bind under pain of mortal sin?

352. Is it permissible to celebrate Mass barefoot, or with a staff, etc.?

353. Concerning the omission of parts of the Mass; and whether the omitted parts must be repeated.

354. Concerning the omission of ordinary parts.

355. Which omissions are mortally sinful, and specifically in the Canon?

356. Which omissions are only venial?

357. Which penances are mortally sinful?

358. Concerning the purification of the chalice that must be performed.

359. Concerning the omission of extraordinary parts; and specifically concerning the washing of the hands.

360. Question. How does a regular sin if he names the General instead of the Vice-Bishop in the Canon? And which Bishop must be named? Question. Does a sin occur if one omits the prayers before and after Mass? Question. Does a sin occur if one omits the prayers at the votives? Question. Does a priest sin if he does not recite aloud in a solemn Mass those things which are to be said aloud? Question. How does a priest sin if he celebrates Mass voluntarily distracted?

361. How does a priest sin if he adds anything to the Mass?

362. Is it permissible to celebrate Mass before Matins and Lauds? Reference to n. 347.

363. Concerning what things should be said aloud, or in a low voice.

364. Question. Does a sin occur if one celebrates so softly that one cannot hear oneself?

365. Question. Does a sin occur if one recites softly those things which should be said aloud?

366. Is it mortally sinful to say aloud those things which should be recited softly?

367. When is it permissible to change the Mass?

368. On which days are votive Masses forbidden?

369. On which days are they permitted? And may they then be said freely at one's discretion?

370. Question I. Is it mortally sinful to say a votive Mass on forbidden days?

371. Question II. For what reasons may votive Masses be said on those days? 1. For a public necessity. 2. If the feast of a double is celebrated in that church. 3. If the Blessed Sacrament is exposed. 4. If there is a deceased person present, or if an anniversary Mass is to be said.

372. Question III. Does one who is obligated to say a votive Mass satisfy the obligation if he says the proper Mass for the day?

373. Question IV. What things should be noted concerning the manner of saying votive Masses? And 1. Concerning the taking of the prayer. 2. Concerning Masses with a particular Introit, etc. 3. Concerning Masses of the Blessed that are granted to another order, or to a lay person. 4. Concerning the Mass of the Holy Trinity, of the Angels, of the Holy Spirit, of the Blessed Virgin Mary, and of the Requiem, etc.

374. Certain decrees are given which are more notable concerning the celebration of Masses. It is asked here, for what reason is it permissible to expose the Blessed Sacrament. Then it is asked, in which churches may the Sacrament be kept?

375. — ABOVE ALL, HERE IT IS NECESSARY TO NOTE THE RUBRIC OF THE MISSAL, WHICH...

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It pertains to those things which are to be said in detail below. In the Rubric, page 4, title 20, it is stated: "The altar, in which the Holy Mass is to be celebrated, must be made of stone and consecrated by a Bishop, or at least a stone altar similarly consecrated by a Bishop must be placed within it, which must be sufficiently large to hold the host and the greater part of the chalice. This altar must be covered with three clean cloths, or hangings, blessed by the Bishop, or by another who has the power to bless, at least the upper one being oblong and reaching down to the ground, and the empty two being shorter, or one being doubled. The altar cloth should also be of a color appropriate to the feast or office. Upon the altar, a cross must be placed in the center, and at least two candlesticks with lit candles on either side. At the foot of the cross, a table, called a credence table, must be placed; it should be placed on the Epistle side, and on the same side, a candlestick

must be prepared to be lit for the elevation of the Sacrament, along with a small bell, a glass vial of wine, and water with a small basin and a clean linen cloth, all placed in a window or on a small table prepared for this purpose. Nothing whatsoever should be placed upon the altar that does not pertain to the sacrifice of the Mass, or to the adornment of the altar itself."

373. — • In Response: The following is required: I. Indeed, under grave sacrilege, an altar consecrated by a Bishop, or an Abbot (for it is taught by Dionysius, book 3, treatise 2, response 15, with Barbos and others 4, from the declaration of the Cardinal and the privilege of Innocent III, that an Abbot can consecrate altars, chalices, and bells, even for the use of other Churches), or a privileged priest, must be used; it must be either fixed or portable; however, both must be made entirely of stone, as far as the upper surface is concerned, which is consecrated; and it must be sufficiently large to hold the chalice with the paten. It is not sufficient for the hosts to be on a consecrated altar while they are being consecrated, but they must also remain on it, whether large or small, during the time of the sacrifice, and not be placed elsewhere, even upon another corporal, e.g., due to lack of space: (Therefore, it is not permitted to place consecrated particles outside the altar before Communion, as is commonly done by Tamb., book 4, chapter 5, section 4, number 4; Salm., on the sacrifice of the Mass, chapter 4, page 3, number 79, with Lugo. However, it is permissible after Communion, as Croiæ, book 6, page 4, number 310, states, with Avers and against Vasq.) because all are one victim, and are offered as such. Therefore, the rubrics of the Missal wish these to be placed upon the corporal, before or after the chalice. Hence, it is also less correct for those who, after consecration, immediately give smaller hosts that they have consecrated to another priest to distribute to the people, because, just as a priest should not give from his own host before he himself has taken it, so neither should he give from others, since they are one victim, and the host, and all the subsequent prayers, offerings, and blessings pertain equally to the smaller hosts as to the larger one, and the sacrifice is not perfectly and completely offered until after the priest has taken it. Card. de Lugo, question 20, section 2, number 69. However, he who...

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If he should do the contrary, it would be a mortal sin; indeed, if there is a necessity for expediting the communion of the people, he is excused from all things (Tampere, *Locus Theologicus*, book 5, treatise on sacred sacrifices, chapter 5, paragraph 374).

II. The *mappa* (cloth) should be triple; although some say that one doubled is sufficient, indeed, according to St. Augustine, Azor, chapter 28, question 8, and Layman, book 5, part 5, chapter 6, number 47, one simple *mappa* is sufficient in necessity. However, the Roman Missal, promul-

gated by authority of Clement VIII and Pius V, expressly requires three; see title on defects, and Gavant. See Cardinal de Lugo. It is not absolutely necessary that it be blessed; as Sybensis says. Therefore, in necessity, a common one can be used, and it can be used for other purposes (Layman, book 5, chapter 6, paragraph 375).

Let us repeat what is prescribed in the rubric of the Missal, as mentioned above, concerning the *mappae*: "This altar shall be covered with three *mappae*, or cloths, blessed by the Bishop or another who has the power to bless, at least the upper one being oblong, reaching down to the floor (which is not in use today), and two others shorter, or one doubled." But it is doubted: 4. Whether two *mappae*, or one doubled, are sufficient? Suarez, distinction 21, section 6; Layman, chapter 6, number 11; Holzmüller, number 374; Palafox, page 10, number 4, agree with St. Augustine and Azor; also, Bonaventure, Henry of Ganda, and Gobinus, apud Croice, number 322, even if these two *mappae* do not cover the entire altar; the reason, they say, is that in this way, the custom is observed. However, I believe that one should not deviate from the rubric, as Lugo says (d. 20, number 6); see Contenson, *De Sacrificio*, chapter 9, article 2, section 7, question 9; Gavant, in the rubrics (where he says that the contrary opinion is not safe); Roncaglia, chapter 6, question 5; and Escobar, book 21, number 434, who, with Anglerius and Aversio, marvel at how some Doctors do not notice this obligation after the aforementioned rubric prescribed by Clement VIII. All the more so, because in the title on defects, section 10, number 4, the rubric, among others, lists this as a defect: "If the altar is not adorned with three *mappae*." However, Escobar and Roncaglia, with Pascual, say that it is probably not a venial sin. To celebrate without any *mappa* is not excused from a mortal sin, as commonly taught by Doctors apud Roncaglia, book 5, chapter 6, with the Council of Trent, page 502, number 19, who adds, conversely, that no sin is committed if there is a grave necessity to celebrate in this way.

Doubt 2. Whether the *mappae* must necessarily be blessed? Suarez, Layman, and Palafox, with St. Augustine, in the places cited above, deny it; also, Tampere, book 1, chapter 6, section 2, number 2, and Wigand agrees, treatise 15, number 63, saying that the blessing is only for decency. The reason is, they say, that it is not required by law, nor is it observed by custom. This opinion does not seem improbable, because of the authority of these Doctors, especially Suarez, who testifies that the custom is to the contrary. However, despite this, I adhere more to the opinion held by Azor, book 1, book 10, chapter 28, question 8; Bonaventure, page 9, number 25; Contenson, in the place cited, reply to 4 and 2; Roncaglia, chapter 5, question 5, with Pascual; Gavant, question 1, title 20; and Escobar, with

Sybensis.

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In Aversa and Gabr. Batio, because, as stated above in the Rubric and in title concerning defects, number 4, it is enumerated in the same manner that using non-sacred vestments and unblessed cloths constitutes a defect. Such a defect, as Escobedo and Roncaglia, with Pasquini, probably state, does not exceed venial sin; therefore, Azor, Bonni, Escobedo, and Contenson, in Tournhem, correctly teach, along with Gavotti, Sylvestri, and Quarti in their commentaries, that there is no sin in using unblessed cloths when necessary, for example, as Escobedo says, if it is a feast day and blessed cloths cannot be obtained. However, I find a lesser reason to excuse this, since any reasonable cause is sufficient to excuse from venial sin.

Doubt 3: Must the cloths and corporal be made of linen, or is it sufficient that they be made of hemp? Contenson, in Tournhem, responds to question 3, Suarez, in his collection, 81, section 6, and Fillani, in his treatise, 5, number 425, state that they must indeed be made of linen, and they prove this from canon 46 of the first part of the decrees, in the distribution concerning consecration, where it is said: "No one should presume to celebrate the sacrifice of the altar in a silk cloth (that is, the corporal, as the Glossary explains), or in a dyed cloth, but in pure linen consecrated by the Bishop, that is, linen produced." And from canon 27 of the second part of the decrees concerning consecration, where cloths are called "linen cloths," that is, made of linen. However, it is more probable, and commonly held, that hemp is sufficient, as Bonni states on page 9, number 24, and Croia states in number 333, along with Gobius, Azor, and Quarti, as cited above. Contenson, in the same place, and Armellini, in Tubingen, and Rega, in Escobedo, number 446, give the reason that hemp and linen are, according to common usage, used interchangeably.

376. — III. Sacred vestments, that is, those blessed by a Bishop or a priest with the privilege to do so, such as those worn by mendicants or superiors, or prelates, constitute a grave sacrilege. See Tamborini, book 1, chapter 3, section 2, on sacred matters. However, Homobono, in Dian, page 2, volume 14, response 57, notes that the colors are not prescribed, but are merely directions. In a grave necessity, and if it can be done without scandal, it is permissible to celebrate Mass, even if one is obligated to hear or say it, omitting the stole or maniple, or even using a cingulum that is not blessed, or if it is torn, to reattach it, or to use the stole in place of the maniple, and the maniple in place of the stole, as Layman teaches in book 5, volume 5, chapter 6, and Dian, page 4, responses 57 and 67, contrary to Fillani, in volume 1, book 5, chapter 5, who nevertheless concedes that celebrating without one or the other of the lesser items, such as the stole or cingulum, is not mortal. See Dian, page 5, volume 5, response 62, where, contrary to Fillani, Henricus, and others, it is taught that one may be excused from

mortal sin due to the smallness of the matter, who (without scandal or contempt) omits one of these things out of necessity, for example, who celebrates with an unblessed cingulum, or uses something else in its place. Finally, out of fear of death or a very serious loss, it is sometimes permissible to celebrate without sacred vestments and the altar, provided it is not done in contempt of religion, as Azor teaches in volume 1, book 1, chapter 44, question 44. Escobedo, in book 2, chapter 2, and Navarrelius, Hurtado, and others, teach this. Tamborini, in his work on sacred matters, book 1, chapter 5, section 1, limits this, so that it permits omitting even some of the more serious items, but not all.

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It can happen due to scandal and irreverence. See Diana, p. 3, t. 6, r. 48, and p. 5, t. 3, r. 39. Furthermore, it is not prohibited to make sacred vestments from profane materials, for example, to make a cope from a woman's silk garment. Suar. Palaus, Tamb. exped. Sacr. l. 1, c. 2, § 4, who notes l. c. § 1 that care must be taken that they are not excessively worn; and that no other sacred furnishings are excessively unclean, in which case a grave sin can be committed. Suar. Laym. Tamb. l. c. (In c. Relinqui, de cust. Euch. it is stated: "We decree that oratories, vessels, vestments, and linens should be kept clean and neat." Tamb. d. n. 1, citing Suar., notes that it is very difficult, or rather, extremely rare, for something to be so extremely unclean. However, if a corporal and other vestments are not extremely unclean, but only somewhat unclean, it is merely venial, or even no sin at all, if others cannot be obtained, as Croiœ n. 336, with Suar. and Gob., states. Furthermore, Cont. Tourn. de sacrif. cap. 9, art. 2, sect. 8, quær. 11, r. 5, states that one does not sin who uses a corporal that is even noticeably unclean, out of necessity, namely, if he himself or others must omit the Sacred. As for sacred vestments, even if worn, to use them for profane purposes is a mortal sin, as Suar. d. 81, sect. 8, Sporer n. 44, and Wigandt tr. 15, n. 62, from c. 39 and 43, de Consecr. dist. 1, state. However, sacred vestments used for profane purposes do not lose their blessing. Sporer and Wig. ll. cc. Walfridus, c. 24, stated that in former times, the readings at Mass were read by priests in common clothing; and Honorius in Gemma l. 1, cap. 89, states that St. Clement decreed the use of sacred vestments. However, Baronius, Raynaud, Bona, Waldens, etc., apud Bened. XIV. Not. 21, n. 6, believe that the apostles also used special vestments in the sacrifice; and from such vestments, they believe that the pallium mentioned by St. Paul in Acts 16:377 was made. It is certain, however, that it is a mortal sin to celebrate without any sacred vestments, from cap. Vestimenta, de consec. dist. 1, and especially, without doubt, without a chasuble, or alb (see note 289). However, it is doubted 1. Whether one sins mortally by celebrating without a stole, or maniple, or cincture? Palud. Sylv. Herr. ac. Ricch. apud Escob. l. 21, n. 483 (who calls this probable) deny this, because

they believe that this is not a serious matter. However, speaking of the stole and maniple, it is truer to affirm, with the common opinion held by Suar. Fill. tr. 5, c. 5, n. 147 and 148, Laym. c. 6, n. 47, Bon. p. 9, n. 27, Tamb. l. 1, c. 3, § 1, n. 3, Diana p. 2, r. 14, r. 57, and Escob. n. 485, with Vasq., because, lacking one of these vestments, which are generally considered more important, the due worship of the sacrifice is lacking. The same should be said of those who celebrate with a stole or maniple that are not blessed. However, a serious necessity probably excuses this, as Laym. and Fill. ll. cc. Ronc. c. 6, q. 3, Wigandt tr. 15, num. 62, and Elbel p. 260, with Spor. and Rodr., state. The same is believed to be true of the cincture, as Fill. n. 148 and Suar. l. c. state.

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c. Nav. Man. c. 25, n. 84; also Vasq. Viltalob. Molf. etc., apud Diana, p. 2, tr. 14, r. 68. However, it is probable that they deny that it is mortally sinful to celebrate without the stole, or without a blessing, Ronc. c. 6, q. 5; Sylv. v. Missa 1, n. 2; Saceodem v. num. 10, and it is probable that Lugo 3. 20, n. 402; Salm. tr. 5, c. 4, p. 4, n. 92, and Diana p. 2, tr. 14, r. 68, with Scoto, Palud. Henr. Fag. and Rico. And the same is the opinion of Croia n. 327, with Pasq., concerning celebrating without the amict, at least for those who do not use it to cover the head, but only the shoulders; and consequently, it is probable, as Tamb. says, n. 4, with Diana, that it is not sinful to celebrate without the stole, or the amict, if they are lacking, and there is a reasonable cause for celebrating, namely, fervor of devotion, or the opportunity to give alms to a priest who is not wealthy. Doubt 2. Whether, out of fear of death, it is permissible to celebrate Mass without any sacred vestments? The first opinion affirms, provided that there is no contempt; and this, besides Az. Nav. Hurt. etc., as above, apud Busemb., is held by Laym. l. 5, tr. 8, c. 6, n. 17; Quarti p. 2, tit. 4, q. 4, dub. 6; Escob. l. 24, n. 489; Sylv. apud Cont. Tourn. de sacrif. cap. 9, art. 2, sect. 8, in fin. c. Utrum; Diana p. 3, tr. 6, r. 48, with Val. Vasq. Bec. and Salas, also Salon. Bon. Pasq. Gob. and Spor. apud Croia l. 6, p. 2, n. 339. The reason is that sacred vestments are required only by the Church's precept, which does not obligate with such expense. The second opinion, which we follow, denies it, and it is held by Suar. dub. 82, s. 3, v.; Secundo, Tamb. Meth. de Miss. l. 4, c. 3, §. 4, num. 6, with Fag. and Marchino; Cont. Tourn. l. o., with Merati; Ronc. c. 6, q. 4, r. 3; Conc. p. 504, n. 13; also Cajet. Nugn. Sanch. Pal. Fill. etc., apud Croia loc. cit. The reason is, first, because it is scarcely possible to celebrate without any sacred vestments without contempt, as Laymann and Escob. themselves state; therefore, as Croia says with Aversa, the contrary opinion is scarcely probable in practice; and second, because it cannot be done without scandal, or at least without great irreverence; therefore, here the natural precept of reverence due in every case to the sacrifice is implied, from which the fear of death does not excuse. Whether, however, out of such fear, it is

permissible at times to celebrate without any of the vestments, even the major ones, such as the stole or the maniple? It is not improbable, provided that contempt is avoided, Ronc. and Tamb. say with Fag. ll. ca., and Suar. dict. sect. 3. agrees, because this does not seem to be such irreverence that the celebration cannot be performed on account of the fear of death; see my words n. 377, 378. — Doubt 3. Whether regular prelates can bless sacred vestments? It is certain among all that they can for their own churches, by several privileges granted to them. For (as Tamb. says, l. 4, c. 3, §. 2, n. 5), Innocent VIII granted this to the living voices of the Oracle Congregation of St. Justin of Padua, and consequently to others who communicate with them; also Leo X.

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This privilege was granted by a bull to the Brothers Minor, solely for their use; and it was confirmed by Sixtus IV, with the exception of the blessing of vestments. However, Alexander VII, on September 27, 1659 (as reported by Benedict XIV, Not. 21, n. 49), by a decree beginning with the words, "Sacrorum Rituum," indefinitely granted abbots the faculty of blessing ecclesiastical furnishings, but only for their own churches. The question arises among theologians whether regular superiors can also bless for other churches? The first opinion denies this, and it is held by Cont. Tourn. ibid., v. Porrô, with Barb. Gav. part. 4, tit. 19, n. 22, Merati, vol. 1, part. 2, p. 4325, n. 27, and Benedict XIV, Notif. 21, n. 14, based on a decree of the Sacred Congregation of Rites of August 24, 1609 (cited by Gav.), which stated: "Superiors of regular orders, nor abbots, can bless the vestments of churches not subject to them." The second opinion affirms this, and it is held by Salm. tr. 5, c. 4, p. 4, n. 83, Holzm. n. 374, with Anacl. and Elbel, p. 144, n. 261, based on the privilege proclaimed by Innocent VIII. Tamb. also holds the same opinion, l. c., n. 7, with Marchino, and Tamb. de Jure abb. pro omnibus regularibus, as he says, except for the superiors of the Society [of Jesus] and the Brothers Minor, to whom a privilege was granted by Leo X, as mentioned above. Tamb. argues that the decree of the Sacred Congregation does not apply, because it concerns a privilege, not its revocation. However, despite this, the first opinion must be maintained, based on the aforementioned decree of Alexander VII (as reported by Merati and our Pope Benedict, l. c.), in which it was decreed: "Inferior prelates, who enjoy the use of pontificals, shall bless ecclesiastical furnishings only for the service of their own churches or monasteries." Furthermore, it was declared there: "Regarding other pontificals, outside of places subject to these abbots, or for the service of another church, or for subjects who are also of another church; they may not exercise this faculty, even with the permission of the Ordinaries, such as the blessing of bells, chalices, and similar items, in which sacred unction is used, nor the conferring of minor orders." However, because these prelates appealed to privileges for bless-

ing the vestments of other churches, the Sacred Congregation, after being consulted by Alexander VII on July 20, 1660, ordered that the authentic indulgence be presented, and in the meantime, they should abstain. But, as Benedict testifies, this indulgence was never subsequently presented.

Doubt 4: Can bishops delegate the faculty of blessing sacred vestments to others? Tamb. Meth. Miss. l. 4, c. 3, §. 2, num. 4, and Gav. p. 4, tit. 19, n. 23, with Tabien. and Ugolin. and Aversa (cited by Croia, n. 353), cite a decree of the Sacred Congregation of Rites of November 14, 1645, which stated: "Nor can a bishop delegate this blessing to others without permission." The reason is that this blessing is of the power of order, and therefore cannot be delegated by a bishop, just as the power of jurisdiction can be delegated. However, this is contradicted by Nicol. Luc. c. l. 5, n. 33, de privil.

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48. He states: 1. That it is not authentically established that this decree exists. 2. That such a decree is not generally accepted in practice, especially in Rome, where the Reverend Delegate, by ordinary authority, grants this power to various priests. 3. That this blessing is not of the episcopal order, but of the sacerdotal order, and therefore can rightly be delegated by the Bishop. Monacell adds, in volume 4, number 1, citing Pirhing in *Jura Canonica*, book 1, title 29, number 54, that Bishops can rightly delegate those things which pertain to them by special privilege, by reason of their dignity; for when a power is attached to an office, it passes into the ordinary jurisdiction. Nevertheless, despite these points, I do not agree with this opinion, since I have not heard of any Bishops delegating such a power to others; indeed, (as Gavotti reports) many Bishops have sought to obtain this from the Sacred Congregation. And Benedict XIV, when he was Archbishop of Bologna, obtained this power for five years, as he himself testifies in the cited passage, question 5. Whether the color of the vestments is prescribed by law? (In the *Rubrica Missalis*, page 1, title 18, number 1, regarding color, it is stated: "The vestments of the altar, the celebrant, and the ministers must be of a color appropriate to the office and to the day of the Mass, according to the custom of the Roman Church.") Tamburini denies this in book 1, chapter 3, section 1, number 1; Quarti, page 4, title 18, question 1; Diana, page 2, treatise 14, response 57, with Homobono; also Suarès and Aversa, in Croice, number 340, because (as they say) the *Rubrica*, in prescribing this, is merely directive. But Sporer contradicts this, in page 154, number 445, and Quarti, in page 1, title 18, question 1. And I consider this more probable, according to the argument we presented in number 399, namely, that all the *Rubricae* dealing with matters that pertain to the Mass are obligatory. Especially, because the *Rubrica* states that this is the custom of the Roman Church. However, Sporer and Quarti rightly believe that this *Rubrica* does not obligate under a penalty, unless there is a scandal, for example, if, as Sporer says, it were celebrated on

Easter Day, or on any festive Mass, as Roncaglia says, in chapter 6, question 1, response 2, in black vestments. Sporer adds that it is better to perform the Sacred rites in any color, than to omit them altogether; therefore, he rightly excuses any reasonable cause, such as if there were not enough vestments of the proper color for the assembled priests. Quarti, in the cited passage, number 2, and Merati, in volume 4, page 1, page 269 (contrary to Turrini), believe that the color yellow, or gold, is equivalent to all colors, because all colors are related to it.

379. — "IV. A chalice and a consecrated paten are required under pain of mortal sin": However, if someone were to celebrate with a chalice and paten that were not yet consecrated, even in good faith, and indeed, Bordon and Tamburini add, even in bad faith, although such celebration would be a mortal sin, it is probable that they would be considered consecrated by this very act, and that it would be permissible to celebrate with them, contrary to the teaching of Lugo and Laym, as Diana states, page 2, treatise 14, response 69, page 5, treatise 43, response 60, and page 9, treatise 7, response 48, citing eight other authorities. Tamburini also believes, in *De Sacris*, book 4, chapter 3, section 1, that sacred vestments, as well as the corporal, the pyx, etc., which immediately touch the sacred species, are subject to this rule.

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380. — Question I: Do chalices, and other vessels, remain blessed if someone offers the sacrifice in them while they are not yet blessed? The more common opinion denies this, as held by Croix, book 6, page 2, number 352, and Salm, treatise 5, chapter 4, page 4, number 96, along with Lugo, Laym, Azor, etc. Tamborini calls this opinion probable, book 1, chapter 1, section 4, number 1. The reason (as Tamborini says) is that, although sacred things are consecrated through contact with sacred species, as indicated by St. Augustine, quoted by Tamborini, "Vessels... are called sacred by the very act of consecration." However, it is one thing to be consecrated, and another to be designated for sacrifice, which is necessary and only occurs through blessing. The second opinion, along with Diana, Con. Peyr., and others, as cited by Tamborini, ibid., which Tamborini also considers probable, affirms that the vessels remain blessed, because through contact with the sacred species, they are already, indeed eminently, designated for that purpose: and this occurs, Tamborini says, number 2, whether the ceremony is performed in good faith or in bad faith. Tamborini also says, number 4, along with Gavotti and Diana, that this is also probable for sacred vestments and altar ornaments, since these receive consecration through the very sacred act. Nevertheless, Salm, treatise 5, chapter 4, page 4, number 98, rightly believes that there is no reason to depart from the first opinion, while Lugo, book 20, section 2, number 62, asserts that the opposite opinion is deservedly and commonly rejected by Laym, Azor, etc. The reason is

that it is not even certain, indeed it is entirely denied, that things remain consecrated by contact with the sacrament, as if, if the sacrament were to fall on the floor, it would remain sacred. Therefore, the second opinion does not appear to be entirely safe, as Escobedo rightly says, book 21, number 477, since at least it seems to be of doubtful probability. Whether it is permissible to celebrate Mass with a chalice that is not gilded? See the statement in number 370, question 3. And whether with a chalice made of tin, or iron, or brass? See ibid., question 3, at the end.

381. — Gavotti, Aversa, Bonanni, and Tamborini, as cited by Croix, book cited, number 353, say that abbots exercising pontifical functions can bless chalices and sacred vestments: vestments only for their own churches, while chalices also for those of others. But note the decree of Alexander VII, cited in number 378, where it was declared that abbots can only bless chalices, bells, etc., which are anointed with holy oil, as well as sacred vestments, for their own churches, and not for those of others, even with the permission of the Ordinaries. This was confirmed by another decree recently issued by our Pope Benedict XIV, at the urging of Cardinal Spinelli, Archbishop of Naples.

382. — Question II: Who is it permissible for to touch sacred vessels, whether corporeal or vestments? No one doubts that, except for priests and deacons, it is a mortal sin for others to touch sacred vessels when they contain the Eucharist, as is commonly said (contrary to Ochagavía and Gobbi), Sporer, number 403, Croix, number 360, and Paleari, page 10, number 13, along with Suarès, Fillon, and others, from canon "It is not fitting." 26, distinct 23. The difficulty is, whether it is permissible for lay people to touch sacred vessels.

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Whether laypersons may touch sacred vessels, while the Eucharist is not present? This is affirmed by Soto, Henry, and Fagius, as cited by Croix, volume 6, page 2, number 358, and is strongly defended by Tamborini, *Methodus Missae*, volume 1, chapter 2, section 1, number 12, along with Scotus, Bartholomaeus of Angleria, and Savonius, *Sacra*, number 3, who state: "Touching sacred things by laypersons is either not a sin at all, or a very slight sin." However, the most common and truer opinion holds that it is forbidden, as stated by Suarès, *Doctor Disputarum*, 81, section 8; Bonaventure, page 9, number 31; Layman, chapter 6, number 49; *Controversae Tournenses*, chapter 9, article 2, section 8, question 8; Holzbauer, page 86, number 375; Habert, volume 5, page 709; Salmeron, *Tractatus*, 21, chapter 10, page 41, section 1, number 127; Antoine, page 493, number 10; and Paleari, page 10, number 43, along with Vasquez, Sanchez, and the Council of Trent. These authors teach that laypersons who touch sacred vessels sin (but not more than venially, since this matter is not considered a grave one; and even less so, if there is a reasonable cause, provided

scandal and contempt are avoided), as they demonstrate from the decree *In sancta*, in the distribution concerning consecration, dist. 1, where it is said: "It is highly improper that the sacred vessels of the Lord, whatever they may be, should be used for secular purposes, or that they should be handled by others (note) than those who serve the Lord, and that they should be treated by laymen." For those sacred persons are understood to be not only deacons and subdeacons, but also acolytes, as shown in the decree *Non liceat*, dist. 23, where it states: "It is not permitted for anyone to touch the sacred vessels, except for a subdeacon or an acolyte acting as a secretary." Furthermore, it is now also permitted for tonsured individuals, by custom, as stated by Suarès, *l.c.*, Tamborini, number 9, and Croix, number 357, along with Quarti, etc., and the same is taught by Benedict XIV, *Notitia*, 29, number 48, along with Paschasius. It is also granted to lay religious sacristans, by the privilege of Calixtus III and Sixtus IV, as cited by Salmeron, *l.c.*, numbers 430 and 434, and also to religious sacristans, by a communication of privileges, Salmeron, *ibid.*, number 432. And today, it can be said by custom that it is also permitted to lay oblates of religious congregations of secular priests, and to all those who serve in churches while wearing clerical garb; for these perform the duties of clerics in the church; at least, I say, these are excused from guilt, because while they perform the duties of a sacristan, there is always some necessity to touch sacred vessels. And the same that is said about touching sacred vessels, should be said about touching the vestments, as stated by Merati, page 343, along with Quarti, Paschasius, and the common opinion. Laypersons do not sin by touching sacred vestments, or other things that do not immediately touch the body and blood of Christ, as stated by Paleari, Suarès, the Council of Trent, and Layman, *l.c.*, according to the opinion (as Paleari rightly says) that is received in practice. The text in the decree *De Altaris* and the decree *De Vestimentis*, concerning consecration, dist. 1, does not contradict this, where it seems to be forbidden; for Suarès states that there is no precept about this there, or at least, Suarès, along with the Glossary on the decree *De Altaris*, under the word "Vela," says that, if there is any precept there, it has not been abrogated. 383. — "And therefore, it is fitting that even the pyx, or ciborium, and the *luna*, or *sphærula* of the sacristy, and whatever vessel contains [the Eucharist], should be touched immediately."

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Concerning the Eucharist, as also according to Layman, book 5, treatise 5, chapter 6, the vessel containing the chrism should be blessed (but, besides those in which unction is applied, the same person can perform the blessing who performs the other rites), since in the Roman Rite, the blessing of the pyx is proper; however, Suarez, Hurtado, Lugo, and Tamborini, book 1, exposition of the Sacrifice, chapter 1, section 6, deny that it is necessary, nor

that it is necessary to impose a blessed line on the pyx with the blessing of the body. Furthermore, the chalice and paten must be made of gold, silver, or tin, at least as far as the cup is concerned (some also admit of lead), but not of bronze, chapter 4, concerning the consecration (see the aforementioned points 370 and doubt 3 at the end); Tamborini, book 4, exposition of the Sacrifice, chapter 1, agrees with Hurtado, Fagnan, and Gao, who admit that it can also be made of a gem that is equally precious as gold or silver, provided that it does not absorb the liquid and there is no danger that it will be broken. And although the rubric prescribes that at least the cup and the upper part of the paten should be gilded, Tamborini, book 1, chapter 384, argues that it does not obligate under a mortal sin, nor even a venial sin, because of the contrary usage.

Doubt 4: Should the pyx be consecrated? Trull affirms this, according to Croice, number 348. But, more correctly and commonly, Layman, treatise 5, chapter 6, number 22, and Bonniwell, page 9, number 23, and Contenson, in the aforementioned place, and Querard, question 7, and Roncaglia, chapter 6, question 4, and Croice with Gao, Pasquier, and others, generally deny it. The reason is that in the Roman Pontifical, there is only a blessing for the pyx, but no mention of the unction of chrism. Furthermore, in the Roman Ritual, the blessing of the pyx is noted among those that do not require the unction of chrism.

Doubt 2: Should the pyx at least be blessed by order? The first opinion affirms this, and Contenson, in the aforementioned place, with Sylvère, Layman, treatise 5, chapter 4, page 4, number 99, and Gao, and Regnault, and Durand, Barbier, Marchant, and Dicæo, according to Croice, number 348, and Benedict XIV, Notification 21, number 42, and Escobedo, book 22, number 449, hold this opinion; however, Escobedo believes that the omission of this blessing does not exceed a venial sin. This is proven from the rubric of the Missal, page 2, line 2, number 3, where it is said: If the priest is to consecrate several hosts for Communion, he places them on the corporal before the chalice, as if in a consecrated chalice, or in a clean, blessed vessel. Furthermore, it is proven by reason, because it is very fitting; if the corporal, on which the sacred species remain for a short time, must be blessed, how much more should the vessel in which they are kept day and night be blessed? And therefore, in the Ritual, a special blessing is assigned for the tabernacle (as it is said there), or for the vessel for the most holy Eucharist. In addition, Thomas Aquinas, Summa Theologica, 2nd part, question 82, article 3, states that, in order to show reverence for this sacrament, everything that touches it must be consecrated, "unless it is consecrated," and therefore the corporal, the chalice, and also the hands of the priest are consecrated.

The second opinion, however, denies this, and many grave theologians

hold this opinion.

[*Latin ed. p. 206*]

AA., namely Suarez, d. 81, s. 7; Azor, p. 1, l. 40, c. 27, q. 7; Fill., de Euch., n. 133; Bon., p. 9, n. 23; Sylv., v. Euchar., 3, q. 4; Spor., n. 401, with Vasquez and Palearius; also Sotus, Conine, Tab. and Nugn., apud Escob., n. 427, and they consider it probable, Diana, p. 2, tract. 1, r. 180, and Lugo, d. 20, n. 96, with Henriquez and Fagnan. The reason is, as they say, that nowhere is there an expressly stated precept on this matter; nor does the Pontifical provide certain instructions, since there are assigned blessings even for bells and reliquaries, which, however, are blessed not by precept, but only by congruity. This second opinion does not seem improbable, at least because of the authority of so many Doctors; but I consider the first to be more probable, because it is more in conformity with the rubric and reason; and therefore, in practice, it should be followed, as the aforementioned Doctors say, Suarez, Fill., and Benedict. The same should be said of the circle, or lunula, in which the consecrated Host is placed, when it is exposed in the ostensorium. 386. — "A linen corporal" (or, as usage demonstrates, of hemp; see note 375. Dub. 3), "at least with regard to that part by which it touches the Host," or the chalice. Consult, de consecr., d. 1 (for in remote places it may be of silk, or made of gold), and blessed by the Bishop, or a privileged person. See Comp. privil. Soc. Jesu, v. Bened. However, it is not to be blessed again after the washing, nor unless it is notably torn. St. Th., Sylv., Bon., d. 4, q. ult., p. 9; Lugo, d. 20, s. 2, n. 76; and Gav., p. 2, t. 1, where he adds from Sahagún (and says it is common) that he who uses a notably unclean corporal sins mortally. (See note 376.) 387. — Note I, that to celebrate without a corporal, or with one that is not blessed, cannot excuse a mortal sin, unless a grave necessity compels the celebration; this is certain among all. See Suarez, d. 81, sect. 6, and Croix, n. 333. Note II, what pertains to the washing of corporals. In can. Nemo 40, de Cons., dist. 4, Pope Clement established two things: first, that only deacons should wash the sacred vestments; second, that the washing should be done in the sacristry. With regard to the first, Suarez, d. 81, s. 8; Merati, t. 4, p. 4, n. 46, and Croix, n. 334, with Bon., say that it is more fitting for a sacred person to perform the second and third washings of the corporals (that is, as Suarez explains, the small corporals, and the purificators), but there is no sin if they are done by lay people; however, the first washing must be done entirely by deacons, or subdeacons, because today this order is considered among the sacred orders, and as the common Doctors say, this is the particular office of the subdeacon; indeed, Croix, in the same place, with Suarez and Palearius, says that this first washing can even be done by a tonsured cleric; while in the aforementioned can. Nemo, it is said: "Deacons with humble ministers should wash." Today, however, tonsured clerics are already considered among the lower clergy, from which it is permitted for

them to touch the sacred vessels. Would a lay person sin mortally if he performed this first washing? Villalobos affirms this, tr. 8, diff. 29, n. 5. But it is more common...

[*Latin ed. p. 207*]

Croix, in his works, and Quarti, in *Paschalis*, etc., as cited by Merati, number 46, hold the opinion that this practice is merely venial, and not a mortal sin, if done for a just cause. Regarding the second point, Croix, along with Pasq., believes that there is no sin if the water used for ablutions is not poured into the sacrarium, but rather into a suitable place. However, it must be understood that the opposite is true, according to Merati, because in the aforementioned text, it is not explicitly stated that pouring the ablution water outside the sacrarium constitutes a sin. Furthermore, Sylv., as cited by Suar., states that this custom cannot be overridden by any contrary practice. However, this applies only to corporal cloths, purificators, and similar items; although the same is said in the text regarding the ablution water used for the alb and the altar linen, it is correctly stated in the Glossa Liturgica, chapter 388, that this general custom has been abrogated.

"VI. The *palla* is also a linen cloth, which touches the chalice (since the upper part may be made of gold or silk); and Lugo, in his work, teaches that, if it is of sufficient size, it can serve the same purpose as the corporal, as it has a common blessing with it. The *palla* must be made of linen, as required in the Rubric, page 2, title 1, number 1, or of hemp, as we mentioned regarding the corporal, number 375, question 3. Therefore, Merati rightly points out in the same place that it is not proper to use a *palla* made of paper or silk fabric. Indeed, in a decree of the Sacred Congregation, dated January 22, 4706 (cited by Cont. Tourn. in the aforementioned place, question 10), it was stated: 'In the sacrifice of the Mass, a *palla* should not be used that is covered on the upper side with silk fabric.' Although P. Suar., in book 81, section 6, believes that it is not forbidden to use a *palla* that is only externally made of silk or gold, he states that the corporal can only be adorned with gold or silk at the edges; and this is probable, since in the Rubric, page 2, title 1, number 1, it is stated: 'The corporal, which must be made of linen only, should not be woven with silk or gold in the middle (note), but should be entirely white.' The *palla* must be blessed with the same blessing as the corporal, as commonly taught by Gav. in the aforementioned Rubric, title 9, Suarez, and Cont. Tourn., as mentioned above, along with Quarti and Vasq., who consider the contrary opinion to be unlikely.

Is it truly a mortal sin to celebrate Mass without a *palla*, or with a *palla* that is not blessed? Suar., in the aforementioned place, Fill. de Euch., number 125, Cont. Tourn., in the same place, number 3, along with Quarti, and Escob., number 432, along with Vasq., state this with probability. The reason is that, formerly, the *palla* was the very corporal with which the

chalice was covered; therefore, although today the *palla* is separate from the corporal, it is equally necessary and must be blessed, just like the corporal; and the Church, by allowing this separation, has not changed anything regarding the matter or the blessing. However, Sotus, in book 4, question 13, article 5, as well as Manuel, and Moure, as cited by Escob., number 430, and Rodrig., as cited by Croix, number 332, state this with probability. The reason is that, although the Church has established that both the *palla* and the corporal should be blessed with the same blessing, because the *palla* is considered, morally, to be part of the corporal, since today the *palla* is separate from the corporal, the same degree of reverence does not apply to both.

[*Latin ed. p. 208*]

This matter pertains directly to the sacred species, unlike the pall, which does not touch them. Sporer, no. 398, and Croia, *loco citato*, with Gob., state that if the pall is lacking, or if a quarter of an hour must be waited for it, another corporal may be used in its place; or, if that is lacking, the purificator; or, finally, the burse. Gav. states that those who use two palls, one for the chalice and one for the host, are not to be reprehended, but should not be imitated without pontifical permission; for this would be an addition to the Rite, which is forbidden by St. Pius V. Quarti and Megal., apud Merati, vol. 1, page 1, no. 12, adhere to this opinion. Therefore, priests who do not have this permission from the Pontiff cannot use these two palls. However, Molfes, Pasq., Silos, and Magius, apud Merati, *loco citato*, hold that not only the Theatines, to whom this privilege, or usage, was approved by Clement VII, but all other priests may use them, because this is not an addition, but rather a certain addition to the Roman Rite, for greater decorum, and also so that the fragments may be more easily collected. Therefore, Merati, with Pasq., believes that each person may follow this practice; and he reports that Cardinal Baronius encouraged someone to do so.

389. — VII. The purificator is also linen, but not necessarily blessed, as Suar., Gav., and Lugo teach, contrary to Laym.; nor is any blessing for it found in his Rituals. The question is asked: Should the purificator be blessed? Laym., chap. 6, no. 12, as well as Franc. Lugo, and Fagund, apud Escob., book 21, no. 434, affirm this, adhering to this opinion as the safer one, although they also call the contrary opinion safe. Reason 1: Because, as D. Th. stated, *loco citato*, no object should touch this Sacrament except that which is consecrated. Reason 2: Because the Rubric commands that the altar cloths be blessed; therefore, all the more should the purificator be blessed; which may possibly touch the relics of the blood. It does not object that a special blessing for purificators is not found in the blessings; for the blessing for linen cloths is used for them, with the word ″altar″ changed to ″chalice,″ if the purificators are blessed separately. But commonly, and more probably, Gav., part 2, title 1, Suarez, d. 81, sect. 8, Pal., no. 2, Salm.,

tr. 5, chap. 4, p. 4, no. 85, Lugo, d. 20, no. 76, Croia, no. 331, Bonac., part 9, no. 22, Ronc., chap. 6, q. 4, and Cont. Tourn., chap. 9, art. 2, sect. 8, v. Quær. 9, with Sylvio, who says that this blessing is done only out of convenience, deny this. The reason is: Because in the Ritual there is no proper blessing for purificators, just as there is not for the veil, nor for the burse. It is argued that the same blessing, which is used for the altar cloths, is suitable for the purificators, since for these, in no way can the words of the prayer be verified, which are found in the Ritual, namely, "that you deign to consecrate these linens to cover and enfold the altar of your Son." Therefore, it is not sufficient (as the contrary ones say) to simply change the word "altar" to "chalice," but it is also necessary to change the words "to cover and enfold" to "to wipe," which would rather be composing a new prayer than...

[*Latin ed. p. 209*]

It is permissible to substitute; however, Salm, in the same place, states that, although the blessing of the purifier is not obligatory, it can nevertheless be lawfully blessed. If, however, the purifier cannot be easily obtained, Wig, in his treatise, section 45, paragraph 64, and Suarez, in *Disputationes de Sacramentis*, question 1, chapter 11, and Gobatius, apud Croia, number 334, state that it is permissible to celebrate without it, and that a clean *strophiolum* may be used in its place, provided that it has not subsequently been used for profane purposes.

"VIII. If the Mass contains even the Canon, as is the case with Bonaventure and others, although Ledesma and Laym teach that in grave necessity it is permissible to celebrate without the book for one who is morally certain that he will not err; and thus Lugo, in the same place, with others, excuses him who, due to failing eyesight, cannot read." (However, the secret table is not required by the ecclesiastical authorities, but only for the greater convenience of those celebrating, as Gavotti rightly says, page 1, title 40, number 20, letter z.)

The question arises: Is it ever permissible for priests to celebrate without a Missal? The first opinion denies this, and this view is held by Contenson, in *Tournheim*, chapter 9, article 2, section 9, question 2; Haberbeck, volume 5, page 708; Navar and Henry, apud Palafox, page 9, number 4; and Contich, apud Escobar, volume 21, number 462, even if someone knows firmly and by memory what must be said. The reason is that in a matter so grave, all danger of error must be avoided, which can always be feared when reciting from memory. This seems to be confirmed by the fact that the Sacred Congregation, as reported by Benedict XIV in *Notitia*, 29, number 5, when granting permission to a blind priest to celebrate two Masses on a feast day, dedicated to the Blessed Virgin, and one Mass for the dead on a weekday, often adds the clause: "provided that he is not entirely blind, and does not recite from memory."

The second opinion, however, is the most common, and is held by Lugo,

number 20, paragraph 76; Laym, chapter 6, number 47; Palafox; Suarez, volume 84, section 6; Vasquez, volume 233, chapter 3, at the end; Diana, page 2, treatise 14, paragraph 46; Escobar, number 464, with Suarez; Salm, treatise 5, chapter 4, page 4, number 87, with Villalobos, Ledesma, and Croia, number 363, with Vericelli, and Gobatius, state that it is sometimes permissible for a priest to celebrate without a Missal, if it cannot be easily obtained, and if, due to past experience, there is no moral danger of error.

From this, Lugo, Palafox, Vasquez, Salm, and Escobar infer that it is permissible for a priest to celebrate, even if he recites the Mass from memory due to failing eyesight, provided that he can distinguish the chalice and the host sufficiently to avoid irreverence; and provided that a Missal, or another book in its place, is available on the altar, as Croia, number 364, with Gobatius, and Salm, in the same place, with Lugo and Palafox, state. However, the clause that is often added by the Sacred Congregation, as mentioned above, does not sufficiently prove that this second opinion should be rejected as improbable; nevertheless, it is always safer to obtain this permission from the Sacred Congregation.

It is certain, however, that it is illicit for a priest who is completely blind to celebrate, even if he reports that...

[*Latin ed. p. 210*]

Benedict, in the aforementioned work, states that on August 23, 1727, the Sacred Congregation granted permission to a certain poor parish priest, through a special grace, to celebrate Mass with the assistance of a priest. However, a priest would sin gravely if he were to use a Missal of a different rite, even in the churches of religious orders, or in places where he is passing through, by celebrating Mass according to a different rite, as Croix rightly observes with Pasqualis Quartus and Aversa (contrary to Palafox and Preysing), according to the decree of the Sacred Congregation of 49 November 1622, cited by Gavotti, page 3, title 10. However, this is understood if such a priest can maintain his own rite; otherwise, he may lawfully use the rite and Missal of the diocese in which he is found, as Croix probably states in number 368, with the Council of Trent and others. Formerly, Missals containing prayers for the king were suspended; but today, Croix rightly states in number 369, along with more recent authors, that there is no reason to be scrupulous about this, due to custom. Confessors and chaplains of nuns, however, may indeed celebrate Masses of the Saints about whom the nuns recite the Office, but not the proper Masses of that order, but rather with the Roman Missal, and in the common form; thus, the Sacred Congregation approved by Clement XI on December 4, 1747, as cited by Pitton, on Rites, number 1768, 394.

"A minister, according to Navarret, Fagius, and Zerolo, is subject to mortal sin," and indeed, it must be a male; however, in a grave necessity, such as on a feast day, or when giving Viaticum, one may be excused, as stated

by Saint Bonaventure and Diana, treatise 14, question 43, among others. In this case, even a woman may be used, as taught by Nugent, article 6, part 1, and Sylvius, and it is taught that in some parts of Belgium, this is customary, as stated by Marchilius, resolutions, pastoral treatise, book 4, chapter 5, question 10, contrary to Layman, Fernandus, and Diana, in the aforementioned works, and by Tamburrini, in the aforementioned work, and by Marchilius, on orders, volume 3, chapter 15, where he considers it to be a mortal sin. However, it is noted by Cardinal de Lugo and Tamburrini, in the aforementioned works, that if a male is serving at the altar who does not know the responses, it is not forbidden for the nuns to respond from the choir. Furthermore, they permit the celebrant to continue the Mass he has begun, even if the minister is absent and does not return, even after being waited for for a while.

Question 4: What sin is it to celebrate Mass without a minister? It is certainly a mortal sin, as stated in chapter 6 of Fillon's "De Presbyteris," where it is said: "For a priest cannot celebrate the solemnities of Mass without the assistance of a minister." However, it is commonly said by Doctors that it is permissible to celebrate Mass without a minister, if there is an urgent necessity to administer Viaticum. Thus, Lugo states, number 403, along with Suarez, Layman, Fagius, Diana, page 2, treatise 14, question 43, along with Clericus, Villalobos, and Petitus, and Roncaglia, chapter 6, question 6, along with the Glossary on the chapter "Quæsivit, de verbor. signific." Contenson, Tournely, and others, cited by them, so that the people may hear Mass according to the precept; but the celebrant himself should celebrate Mass alone.

[*Latin ed. p. 211*]

Let it be heard that, according to the precept, even Diana, in *locus citatus*, excuses [this practice], and Cont. Tourn., in his disputation with Sylos, does not condemn it, although he does not approve of it. It is, however, probably said (besides Lugo, Tamb., Henr., and Hurt, cited by Busemb.) in Cont. Tourn., *locus citatus*, and in Salm., tract. 5, chap. 4, p. 4, no. 401, near the end, concerning a case where, after the Mass has begun, especially if the oblation has been made, and the celebrant is permitted to proceed without a minister, if the latter is absent and will not return shortly. It is also probably said in Salm., *locus citatus*, at the end, that the celebrant should not cause scruples if the minister pronounces incorrectly, nor should he easily correct errors, lest he disturb himself, or those around him, or the order of the Mass; although Croia, with Gobat, advises that the celebrant should supply what the minister has omitted. However, no. 390 states, with Quarti, that the rubrics concerning the rites to be observed by the minister are merely directives, and do not incur a fault; but I do not agree with this. Reasonably, Lugo, in part 20, no. 303, points out that a lesser necessity suffices for celebrating with a minister who is unable to respond, than without

a minister. Furthermore, in chap. 61, on Consecration, dist. 1, where Pope Soter says: "It is also decreed that no priest should presume to celebrate the solemnities of the Mass unless with two present, who respond to him, and he himself is the third; because, when it is said in the plural, 'The Lord be with you,' and 'Pray for me,' it is most fitting that he himself should respond to the greeting." St. Thomas, in question 83, article 5, ad 12, and Bellarmine, Laym., Soto, and others, commonly cited by Escob., no. 640, explain that this is to be understood of the solemn Mass. However, (St. Thomas says), in private Masses, it suffices to have one minister, who acts in the person of the entire Catholic people, and in whose person the priest responds in the plural. 392. — It is stated: Does a priest who celebrates, with a woman responding, commit a grave sin? Nugnus affirms this, cited by Diana, p. 2, tract. 14, no. 44. But, commonly, Laym., chap. 6, no. 43, Suar., part 87, sect. 1, and Cont. Tourn., *ibid.*, deny it. Hence, in this case, Diana, *locus citatus*, with Molf., Homob., Zanardo, Fern., etc., says that Wigandt, tract. 15, no. 69, Cont. Tourn., with Lugo, and Laym., with Palud., and Hurt, rightly permit women to respond from a distance, especially if they are devout, provided they do not minister directly at the altar, such as by offering the chalice, etc.; for this cannot be excused by a mortal sin, according to chap. 1, *Inhibendum de Cohab. Cler.*, where it is entirely forbidden for a woman to minister to the celebrant. And therefore, Laym., *locus citatus*, rightly advises that, in a case of urgent necessity, it is better to celebrate without a minister than with a woman ministering. 393. — "The Cross; unless the Venerable Sacrament is exposed, there is no grave obligation; the same is true of the veil." Lugo, part 20, sect. 2, no. 79. Gav. In the Rubric of the Missal, p. 1, title 20, this is all that is stated: "The cross should be placed on the altar, among the candlesticks." But the Sacred Congregation of Rites, in a decree issued...

[*Latin ed. p. 212*]

On May 14, 1707 (according to Merati, vol. 4, p. 2, in the index, no. 604), it was stated: "Above the altar, where the Most Holy Sacrament is exposed, a cross must be placed, with the image of the Crucified affixed to it. However, it must be understood, as Merati states, vol. 4, p. 4, p. 693, 'only while the Mass is being celebrated.'" Furthermore, in the *Cæremoniale Episcoporum*, book 2, chapter 12, it is prescribed: "A small cross with the image of the Crucified above the tabernacle, in which the Most Holy Sacrament is kept, is not sufficient for the Mass, but another cross must be placed among the candlesticks." This was confirmed by the Sacred Congregation on June 16, 1663, as found in Merati, in the aforementioned index, no. 400.

However, it is doubted: 4. Whether it is a mortal sin to celebrate Mass without a cross? Renzi, chapter 4, question 15, and Aversa, question 14, section 3, affirm this, because it is a grave matter, since the sacrifice of the altar represents the sacrifice of the Cross. However, Suarez, *Disputationes*, 81,

section 3, and Layman, chapter 6, no. 17, and *Controversiae de Tournais*, chapter 9, article 2, section 7, and *Querelae*, 40, at the end, and Bon, p. 9, no. 30, and Fill, no. 123, and Merati, vol. 4, p. 4, p. 297, and Escobar, no. 461, along with Vasquez and many others, agree with this, as does Habert, vol. 5, p. 708, and the Council, p. 503, no. 49, who state that the cross is not of such necessity that it cannot be omitted for a reasonable cause.

Furthermore, a priest cannot in any way excuse himself for celebrating Mass without a cross, according to the decree of Benedict XIV, issued in 1746, which states: "That the Sacrifice must never be celebrated unless the Crucifix is so prominently placed among the candlesticks that the priest and the people can easily and conveniently see it, and that the image is not so faint and small that it almost escapes the eyes of the priest and the people." This is also prescribed in the *Cæremoniale Episcoporum*. And the Sacred Congregation of Rites also decreed that a cross with the image of the Crucified must be placed on the altar, where the Most Holy Sacrament is exposed, as found in Merati and La Croice, book 6, p. 2, no. 324.

(4). However, the Crucifix on the altar is not required with the same strictness as the cross, because the representation of the bloody sacrifice is already present through the cross alone; thus, Bissus, in Merati, p. 295, and Suarez and Vasquez, *Dictionarium*, as found in Croice, no. 318.

It is doubted: 2. Whether, when there is a statue of the Crucified on the altar, another cross is required? Gavotti, p. 4, title 20, title ult., and Wigand, *Tractatus*, 75, no. 53, affirm this, because the rubric requires that a cross be placed among the candlesticks. However, it is to be denied that another cross is required, according to the *Cæremoniale Episcoporum*, book 2, chapter 12, which states: "But in the altar, where there is a large statue of the Most Holy Crucifix, it is not necessary to place another cross while the Mass is being celebrated." This was confirmed by a decree of the Sacred Congregation of Rites on June 16, 1663, as found in Merati, in the index, no. 400.

And (4). The decree of May 14, 1707, was praised, but the decree of September 12, 1741, of the Sacred Congregation, leaves it to each individual to decide whether to place a cross or not when the Most Holy Sacrament is exposed, according to its proper use.

[*Latin ed. p. 213*]

It is also to be said concerning the image of the Crucifix depicted, as Pasqualig. Quarti, and Giribaldus write, according to a decree of the Holy See, as reported by Benedict XIV in the Constitution *Accepimus*, dated July 16, 1746, in the Bullarium. However, the Cross is not to be blessed by order, according to the decree of the Holy See of July 12, 1704, as found in Merati, *Dictiones*, p. 297. And Pign., volume 9, consultation 89, teaches the same concerning all images to be placed on the altar, saying that they can be, but do not necessarily have to be, blessed.

394 — XI. Two candles, lit, made of wax, and indeed, according to Pag. Reg. Vasq. and others, are required for a Mass with a mortal sin attached, contrary to Nugn. and March. However, in necessity, to avoid scandal, one candle, even made of tallow, or a lamp with oil, is sufficient. See Dian., book 1, chapter 6, number 47; Azor, chapter 28, question 45. However, to celebrate without any light is never permitted; Lugo, section 30, section 2, number 77. Indeed, if the light were to be extinguished before the Consecration, and another could not be obtained, the Mass should be abandoned, even in the necessity of consecrating the Viaticum for a dying person, as Fagund. p. 22, chapter 22, and Quint., volume 2, section 4, say. In the Rubric, p. 4, volume 20, it is written: "Two candleholders, with at least two lit candles, should be placed above the altar, one on each side."

It is certainly the opinion of all that it is a mortal sin to celebrate without any light, as stated in chapter *Interas uli* concerning the celebration of Mass, where the priest is severely blamed for celebrating without fire, that is, without light. And this is so even if the necessity arises of administering the Viaticum, as commonly stated by Ronc., chapter 6, question 5; Cont. Tourn., ibid., section 7, question 14, with Bell.; also Lugo, Quarti, etc., as found in Renzi, chapter 4, question 17. And Croiæ, number 392, also holds the same opinion (contrary to Pasq., whose opinion, however, Croiæ considers probable). Therefore, Ronc., Cont. Tourn., books and chapters; and Tamb., chapter 5, section 4; Renzi, chapter 4, question 47 (contrary to Croiæ, number 392, with Gob. and Leand.) correctly state that if the light fails before the Consecration, one must absolutely cease celebrating; otherwise, if it fails after the Consecration. In this case, Pasq. says, in Croiæ, number 394, that it is better to continue if the candles can be relit immediately, because the continuation of the Mass pertains to the unity of the sacrifice. And Quintanad. says the same, ibid., that if the candles cannot be relit so easily that one must wait a quarter of an hour, for the same reason. However, Quarti says, in Croiæ, number 397, that there is no sin in reciting the Gospel of St. John with the candles extinguished, because that Gospel is not part of the Mass, since it is said after the Mass. But Gav., p. 2, title 12, letter f., with Merati, ibid., says that the candles should not be extinguished except after the Gospel, as the Rubric truly prescribes, although that Gospel was formerly said at the priest's discretion, but today, as Butrius and others commonly point out, it is said by obligation, by order of St. Pius V. However, the priest should not be angry if, while reading the Gospel, a minister extinguishes the candles. Also, it is probable that Croiæ says...

[*Latin ed. p. 214*]

n. 398. Sporer states that there is no obligation to light a third candle after "Sanctus"; this is how common practice is today.

Doubt 4: Is it permissible to celebrate Mass with candles made of tallow or oil? Toletus affirms this in chapter 2, paragraph 14. However, generally,

Doctors of the Church teach that this is a mortal sin, because such usage is most indecent and entirely foreign to the universal custom of the Church. This holds true even in necessity, as Suar. d. 84, section 6 (speaking here of tallow candles) and Escob. l. 21, n. 457, with Villal. and Fag., state. However, Azor t. 4, l. 40, c. 28, question 15, Wigandt tr. 15, n. 63, Cont. Tourn. in the cited passage, Sporer n. 383, with Tanner and Tamb., Fill. n. 426, and Bon. part. 9, n. 31, with Vasq., Reg. Nugn. Graff., state that it is permissible to celebrate Mass with oil or tallow in necessity, and Escob. number 458 considers it probable, provided that, as he rightly points out, scandal is avoided. However, I do not approve of what Pasq. Gob. and others (with whom Suarez agrees when speaking of light from oil) say, namely, that it is not illicit to celebrate Mass with candles made of oil or tallow, even purely out of devotion, if others cannot be obtained; for this does not seem to be a sufficiently grave reason to excuse one from mortal sin, as stated above.

Doubt 2: Is it permissible to celebrate Mass with a single candle? Fagundez, in Ronc. c. 6, q. 5, denies this, and says that it is a mortal sin. Conversely, Fill. n. 426, Azor c. 28, q. 15, and Bon. p. 9, n. 31, with Suar., Vasq., Con. Reg., etc., believe that there is no sin in doing so, provided that scandal is avoided. However, I believe, as do Cont. Tourn. ibid., R. ad 3, Tol. c. 2, n. 14, and Escob. n. 453, who cites Franc. Lugo, that it is only venial; and I believe that, just as with any other reasonable cause, even purely out of devotion, provided that scandal is avoided, it excuses [one] from mortal sin. It should be noted here that it is not permitted for anyone, not even Vicars General, to celebrate Mass with four candles, as declared by the Sacred Congregation on August 7, 1627, in Gav. p. 4, title 20, number 20, letter y. And likewise, this is forbidden to other priests, unless they are Cardinals, Bishops, and abbots who use Pontificals, but only when they celebrate Mass with them; according to the decree of February 9, 1675, in Bened. XIV. Notif. 29, n. 16.

395. — "Also required are the *antependium*, the *pulvillus*, the candlesticks, the *bursa*, the *velum*, and the *manutergium*; but these are not to be blessed, and if any of these are lacking, they may be borrowed from suitable, clean, secular sources, and then returned for their proper use." Tamb. l. 4, cap. 3, §. 3. Busemb. rightly says that these are not to be blessed, because they are required only for decency. Pasq. says that celebrating Mass without an *antependium* is not a sin, especially if it is omitted due to poverty; but Quarti, in Croix n. 326, says that it is venial, and I believe this to be more probable, since the *antependium* is required by the Rubric, title 19, n. 20, which states: "The altar is also adorned with a pall, preferably of a color suitable for the feast or office."

[*Latin ed. p. 215*]

It is fitting. However, altars made of marble, or those commonly called "altars of the Pauline style," are to be excepted, as their use is very common today. The rubric also requires: "In the Epistle corner, a small

cushion must be placed under the Missal." It is permissible to substitute a "legile" (a small book stand) for the cushion. Also, a linen cloth, a small pitcher of wine, and a small pitcher of water, along with a clean linen cloth, are required. Regarding the veil and the burse, the rubric in Title 4, number 1 states: "The priest covers the Host with a small linen pall, or a silk veil. Upon the veil, he places the burse, which is of a color appropriate to the vestments, and which contains the corporal folded within." Therefore, those who carry the corporal outside the burse do not act properly, as Gavant correctly states in his commentary on the rubrics, where he mentions that Pope Pius V granted a dispensation to the Spanish, allowing them to carry the corporal outside the burse. However, Croiae, number 330, states that celebrating without a veil is not a sin when a pall is used, because the veil, the linen cloth, and the burse are required only for decency. He also holds the same opinion regarding the burse, as does Sporer, 396.

It is not permitted to celebrate with the head covered, even in infirmity, without permission, as Fagund, Laym, and Dian, rule 58, teach. Indeed, the highest Pontiffs, as Gav. and Tamb. note in "de exped. sacr.," allow this for bishops, and for those under their jurisdiction, including regular clergy. Tamb. correctly limits this to cases of necessity, in which it is difficult to appeal to the Pope. However, those who do so without permission do not necessarily commit a mortal sin, provided they are free from contempt and scandal, as Ledesm. and Tamb. state in the aforementioned passages. Dian., page 2, volume 14, rule 58, considers this probable, if the time of the canon is excepted.

397. — Doubt 4. Is it permissible to celebrate with the head covered? It is certainly not permissible, according to canon "Nullus," from the Decretum of Gratian, which states: "No bishop, priest, or deacon shall presume to assist at the altar of God with a covered head." In addition, there is the decree of Urban VIII, placed in the Roman Missal, which states: "No one shall dare to use a cap (pileolus) in the celebration of Mass, without express permission from the Apostolic See, notwithstanding any contrary custom." However, Croiae, number 400, correctly notes that the Chinese are not bound by this decree, among whom covering the head is a sign of honor, and uncovering it is a sign of irreverence. As for whether celebrating the Holy Mass with a cap, commonly called a "berrettino," is a mortal sin, Angel. in "Missae" and Armilla in the same work affirm it, because they consider this a grave matter, as it strongly contradicts the reverence due to the Sacrament. However, Ledesma denies this, and Dian. and Sporer, in Croiae, number 400, consider it probable. But Quarti, page 2, volume 2, doubt 3, Pasq., question 826, and Escob. number 495, along with Villal. and Franc. Lugo, except for Tamb. and others cited by Busemb., distinguish between these opinions, and state that it is a mortal sin to celebrate the entire Mass with the head covered, unless contempt and scandal are absent;

and conse-

[*Latin ed. p. 216*]

It is probable that what is stated by Pal. p. 40, no. 40, is true, as is the statement in Sa, Vasq., Azor, and Laym. c. 6, n. 46, as well as in Nav., Sylv., and Henr., and in Croica, loc. cit., and in Gob. and Dic., namely, that it is not illicit to celebrate Mass with a biretta (except in cases of scandal, and with due regard for canon law), for a reasonable cause, if the celebration takes place in a private place, or if the reason for celebrating in this manner is manifest, such as due to the priest's advanced age, or the cold of the place, so that one could not celebrate with a bare head without considerable discomfort. Hence, Cont. Tourn. de sacrif. cap. 9, art. 2, sect. 9, v. Quær. 3, in fin., states this in Paris, and Vasq. cites Croica, and it is customary in Cologne during the winter months to celebrate Mass with a biretta up to the words of consecration. This is approved by Benedict XIV in *De Sacrificio Missae*, t. 9, l. 4, c. 7 and 9, at least for those who suffer from a more serious illness; and he states that it does not contradict the decree of Urban VIII, which declares this matter illicit in extreme cases, and in cases of illness that is not of short duration. Suar. d. 82, sect. 3, Bon. p. 9, no. 29, Laym. with Azor and Sa, as well as Spor., Fill., Rodriq., and others cited in Croica, d. n. 400, state that, with the addition of a cause, e.g., infirmity, a Bishop or prelate of a religious order can grant permission to celebrate Mass with the head covered by a stole or biretta. But this must be denied, as stated by Gavant. and Aversa, cited in Croica, based on the decree of Urban VIII, which expressly prohibits celebrating Mass with a biretta without an Apostolic dispensation. This was confirmed by a decree of the Sacred Congregation of Rites on April 24, 14626, in which it was stated: "The use of a biretta in the Mass belongs to the Pope." Also, it should be noted here another decree of the same Sacred Congregation, dated August 13, 14695, in which it states: "It is not permitted for parish priests administering the Sacraments to the sick, either during the day or at night, to use a small biretta under the pretext of infirmity, without a special permission from the Holy See."

398. — Doubt 2: Is it permissible to celebrate Mass with a wig, commonly called a peruke? The decree of the Sacred Congregation of Rites, dated August 3, 14652, states: "Mass cannot be celebrated with a false wig." Pasq. states that it is permissible for a reasonable cause to celebrate Mass with it. But Croica, no. 404, notes that this is also prohibited today by a decree of Innocent XI, promulgated in the diocese of Cologne on March 24, 14689, in which it was decreed that Bishops and Apostolic Nuncios cannot grant permission to priests to wear such wigs during the celebration, prescribing to all and each that, out of reverence due to this Sacrifice, they should only approach the altar of God with a bare and uncovered head; under penalty of suspension from divine offices. See more on all of this in the aforemen-

tioned authors: Gavant., Dian., Laym., Bonac., Card. de Lugo, d. 20, sect. 4, Esc. ex. 44, where it is noted that it is a grave obligation to observe the rite prescribed for celebrating Mass in the Rubrics of the Missal, and therefore it is a grave sin to omit, e.g., the offering of the host, or the chalice, or the sprinkling of a small amount of water (Tamb. de exceptionibus sacrific.).

[*Latin ed. p. 217*]

c. 5.) Nevertheless, Escob. warns (l. c. 399) that the lightness of the matter should not always excuse an omission from mortal sin, even within the canon. The question arises: Are the rubrics of the Missal merely directive, serving as advice or instruction, or are they prescriptive, obligating under pain of sin? First and foremost, it must be noted in this matter what is contained in the bull of St. Pius V, affixed to the front of the Missal, where it states: "We command and strictly enjoin all and each, in virtue of holy obedience, that, setting aside all other rites and customs from other Missals, they chant and read the Mass according to the rite, manner, and norm which is now delivered by this Missal. And that they dare not add or recite any other ceremonies or prayers than those contained in this Missal." Regarding the question, there are four opinions of Doctors, who speak very confusedly on this point. The first opinion, held by Fagund and Henno (Cont. apud Towrn. loc. cit. sect. 8. v. Sub initio), states that all rubrics are directive, since they do not command, but only advise or instruct. However, this opinion is rightly rejected by the Quarti (qu. proæmial. sect. 2. p. 1.) and by Victor (in Memor. Cler. 2. p. 9.). The second opinion, held by Suar. (d. 83. sect. 3.), Azor (t. 1. l. 10. c. 29. g. 6.), Bon. (d. 4. qu. ult. p. 7. §. 3. n. 3.), and Possev. (item Con. Avers. Lex. et Molf. apud Merati t. 1. p. 2. n. 786.), states that all rubrics are prescriptive, based on the aforementioned bull of St. Pius V; therefore, they believe that all rubrics obligate under pain of sin of a grave nature, and that only by reason of the slightness of the matter can they be committed venially. The third opinion, held by Gavant. (p. 3. tit. 21. n. 1. and 7.), Lugo (d. 20. n. 108. v. Secundo), Conc. (p. 509. n. 1.), Sporer (n. 423), Holz. (p. 86. n. 376), Elbel (n. 268), Diana (p. 2. tr. 44. r. 70), Renzi (c. 9. q. 14), Tamb. (de Sacr. Miss. c. 5. §. 4. n. 4), and March., and considered probable by the Quarti (art. 7. n. 1.), holds that some rubrics are prescriptive, while others are directive; they state that those rubrics are prescriptive in which the words "one gravely sins" are added, or which are prescribed by law or custom, such as the rubrics concerning the integrity of the sacrifice, the matter and form, fasting, Diana, vestments, etc. The directive rubrics, on the other hand, are, for example, those concerning praying before or after Mass, the number of collects, the washing of hands, genuflections, crosses, etc. Among the authors of this opinion, some, such as Concina, Tamb., and Sporer, state that the prescriptive rubrics obligate under pain of sin, while the directive rubrics obligate under pain of venial sin. But, with all due respect to them, this teaching does not seem consis-

tent; for it contradicts itself to say that rubrics are merely directive, and yet obligate under pain of sin; for if they obligate, they should rather be called prescriptive than directive. Therefore, others, such as Gavant., Lugo, Holzmann, and Elbel, state that the rubrics are prescriptive.

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Indeed, these pertain to fault, and not to directives, since these are merely the material for instruction and guidance, and not precepts. The fourth opinion, which I follow, and which Merati holds, *Cont. Tourn.* ibid., and *Quarti d. qu.* proem. sect. 2. p. 2, distinguishes between rubrics that are observed within the Mass, or in the act of celebration, and those that are observed outside of the Mass. We therefore say that rubrics within the Mass are only imperative, and that they obligate, and indeed under a grave obligation, unless the lightness of the matter excuses it. This is proven by the fourth point from the Council of Trent, session 7, canon 13, where it is said: "If anyone shall say that the approved rites, customarily used in the solemn administration of the sacraments, can be contemned, or that ministers can, without sin, freely omit them, or change them into new ones, let him be anathema." It is certain that the celebration of the Mass also pertains to the administration of the Sacrament of the Eucharist. This is proven by the second point, and more explicitly, from the declaration of the bulla of Pope Pius V, where it is upon the words: "We command and strictly enjoin, in virtue of holy obedience, that the Mass be sung and read according to the rite, manner, and norm prescribed in the Missal." Then it is added: "Nor should they presume to add or recite other ceremonies, or prayers, in the celebration of the Mass." From this it is clear that the first opinion is false, as well as the opinion of Pellizari and Renzi, who say that this bulla does not obligate under a grave penalty, because in it only the introduction of a new rite is prohibited, and not the alteration or variation of ceremonies or prayers: for the bulla contains a double precept, and indeed a grave one (since it strictly commands, and in virtue of holy obedience), one concerning not adding other ceremonies, and not reciting prayers other than those prescribed in the Missal; the other concerning celebrating according to the rite, manner (note) and norm of the Missal. The manner and norm refer to the fact that the ceremonies prescribed in the Missal should not be varied.

400. Therefore, Croiae rightly says, n. 422, that a priest cannot be excused from a venial sin for omitting the blessings, inclinations, genuflections, etc., as prescribed in the rubric. And I agree with the Council, p. 509, n. 2, concerning the one who intentionally does not genuflect to the ground, or only signs the altar with a kiss, or disturbs the blessings contrary to the prescription of the rubric. Furthermore, Croiae ibid., with Pasq., says that it is a venial sin to do these things too quickly, or too slowly. Moreover, the Council reasonably adds, Wig. tract. 15, n. 75, Croiae l. c., and Ronc. c. 3,

qu. 4, in fine, that it can also be a mortal sin if anyone were to omit these ceremonies, even the more serious ones, in a notable part [of the Mass]. Hence, Roncaglia, *Quarti* p. 1, tit. 16, p. 6, diff. 3, and Pasq. q. 29, n. 7, probably assert that a priest administering the Holy Sacrament within a quarter of an hour cannot be excused from a mortal sin; and Gobat, cap. 23, n. 814, seems to agree, saying that the Mass cannot be completed within a quarter of an hour without many imperfections. Therefore, Roncaglia rightly says, with *Quarti* and Pasq., that bishops and prelates of regular orders are strictly bound by a grave obligation to eradicate this shameful and scandalous haste.

[*Latin ed. p. 219*]

From this fault, no one can be excused, and rightly, the Council states on page 509, number 1: "He who, through gross negligence, does not care to learn the ceremonies." Benedict XIV, in Notification 34, number 30, teaches this excellently, stating that the Mass should not be shorter than a third of an hour, nor longer than half an hour; because within a shorter time, all things cannot be performed with due decorum, and for a longer time, it would be tedious for those present. Therefore, it is difficult to excuse a priest from mortal sin who would celebrate a Mass lasting less than a quarter of an hour, even if the Mass is one of the shorter ones, or of Saint Mary on a Saturday; because within such a short time, he necessarily commits two grave faults: one, a grave irreverence towards the Sacrament, and the other, a grave scandal towards the people. And so that we may not seem to speak without foundation, let us call both of these faults by their proper names, taking the matter from its principles. It cannot be denied that the rubrics, insofar as they pertain to the ceremonies to be observed within the Mass, are all obligatory, as we have shown in number 399, citing Cont. Tourn., Quarti, and Merati, from the Council of Trent, session 7, canon 13, and from the Bull of Saint Pius V, where it is prescribed, strictly and by virtue of obedience, to chant and read according to the rite, manner, and norm prescribed in the Missal. From these words, "strictly and by virtue of," there is no doubt that such a precept concerning the ceremonies of the Mass is indeed grave. Therefore, just as he who omits ceremonies in a minor matter is not excused from a minor fault, so he who, in a grave matter, is not excused from a grave fault, as we said above with Croiae, Ronc., Wigandt, and the Council. It is, however, impossible to complete the Mass within a quarter of an hour without omitting either words or ceremonies; or, at the very least, without notably diminishing the decency and solemnity due to so great a sacrifice. This point should be carefully considered: for who would say that he pronounces all the words of the Missal well, and performs all the ceremonies of the Mass well? Even if someone were so skilled in language and movement that he could complete all the words and ceremonies of the Missal within such a time; nevertheless, it is at least

morally impossible that he could celebrate without notably detracting, on the one hand, from the reverence due to the sacrifice, and on the other hand, without being the cause that the people present do not fall short in the veneration due to the same sacrifice. Furthermore, speaking first of the reverence that the celebrant himself should show towards the Mass, the Council of Trent, session 22, instructs us: "How much care should be taken that the holy sacrifice of the Mass be celebrated with all religious reverence and devotion, anyone can easily understand who considers that in the sacred Scriptures, he who performs the work of God negligently is called accursed." And since we must acknowledge that no other work can be treated by the faithful of Christ as holy and divine as this very awesome mystery... it also appears that all effort and diligence should be put into it, so that it may be performed with as much interior purity and devotion as possible.

[*Latin ed. p. 220*]

And that it may be carried out under the guise of piety. Therefore, he adds: Since, therefore, many things seem to be irrepressible, either through the fault of time, or through the negligence and wickedness of men, which are contrary to the dignity of so great a sacrifice, so that due honor and reverence may be restored to it, for the glory of God and the edification of the faithful people, the Holy Synod decrees that the Bishops of the respective dioceses diligently take care to prohibit and remove all such things, so that those things which, whether through avarice (servitude to idols), or irreverence which can be separated from impiety, or superstition (a false imitation of true piety), are introduced, may be restrained. First, therefore, the Council declares that the curse pronounced by Jeremiah 48 should be understood as specifically directed against those who negligently perform the functions dedicated to divine worship, and that such negligence involves irreverence which can be separated from impiety. But if the ceremonies in the Mass are prescribed by the Church for the very purpose of rendering due reverence to so venerable a Mystery, by exhibiting them with that decorum and solemnity which befits the majesty of so great a sacrifice; how can irreverence in the Mass, inflicted by the celebrant, ever be considered excusable, when he, in so hastily performing it, cannot even celebrate it without many defects, namely, that he changes the words, blessings, and genuflections, that he moves and turns himself indecently, and, what is more disgraceful, that he mixes the words with the ceremonies, or anticipates or postpones them contrary to the prescriptions of the rubrics? For by acting in this way, he cannot fail to detract notably from the intrinsic decency due to the sacrifice, which demands that not only the ceremonies be performed, but that they be performed with a solemnity which certainly cannot be employed within so short a time. This concerns the reverence to be rendered by the celebrant himself. With regard to the veneration to be

inspired in those present at the Mass, consider what is stated by the same Council, Session 22, Decree 8, on the Sacrifice of the Mass: "And since the nature of men is such that they cannot easily be raised up to contemplation of divine things without external aids; therefore, the pious Mother Church has instituted certain rites; and has also employed ceremonies, such as the mystical blessings, etc., from the apostolic discipline and tradition, so that the majesty of so great a sacrifice may be commended, and that the minds of the faithful may be aroused to contemplate the highest things which are hidden in this sacrifice, through these visible signs of religion and piety." Therefore, as the Council teaches, these sacred ceremonies have been instituted so that, through such visible signs, the faithful may perceive the majesty of the sacrifice and the sublimity of the mysteries contained therein. But when such ceremonies are exhibited too hastily, as indeed it is necessary to perform them within so short a time, then they not only fail to inspire due reverence for the Mass, but, on the contrary, they become a cause for reverence to be lacking in the people. Therefore, the purpose of the ceremonies is seriously harmed.

[*Latin ed. p. 221*]

If a priest celebrates Mass in this manner, he cannot be excused from grave sin because of the grave scandal he gives to the people. And therefore, the Council of Trent, in the year 1583, decreed that priests should be well instructed in the ceremonies of the Mass, so that they might not, by their actions, draw the people entrusted to them away from devotion, rather than inviting them to meditate on the sacred and awesome mysteries, and to offer them the due veneration. But if someone performs Mass with excessive haste, and consequently without proper decorum, he not only fails to invite those present to contemplate the mysteries, nor to offer them the due veneration, but rather he invites them to abandon veneration; indeed, he plants temptations against the faith in the minds of those present, diminishing, or at least undermining, their belief that Christ the Lord is truly present there, while they see Him treated so irreverently by the celebrant. And this, indeed, is the scandal and harm from which no one can be excused by a lesser sin. Such is the case, but alas, how many are guilty of this, and how many priests who feel no scruple about it! The council fathers, and the writers who teach rightly, proclaim that a great simplification of the ceremonies, and consequently, the celebration of Mass in less than a quarter of an hour, cannot be excused from grave sin; but how many are concerned to avoid this? This corruption should be pursued not with a pen, but with tears, since every day we see not only the majority of secular priests performing this most sacred sacrifice worse than they treat temporal matters of lesser importance, so carelessly that they seem to have no faith in this great mystery, but what is more deplorable, even religious priests, who are under stricter observance, and who devote a great part of the day to

spiritual activities, do not hesitate to complete Mass in the shortest possible time, nor do they abstain from this detestable abuse, nor do prelates take care to correct them. How, indeed, does the venerable Cardinal Bellarmine lament this, as is related in the bull, "Annus qui, etc." by His Holiness Benedict XIV. It is also worthy of abundant tears that, through the negligence, or even impiety, of some priests, the sacred mysteries are treated so indecently that those who celebrate them seem not to believe in the presence of the Lord. If someone performs the sacred rites without spirit, without affection, without fear, and with incredible haste, as if he did not see Christ the Lord, or as if he did not believe that he saw Him, then...

401. — Merati, p. 788, n. 3, states that, besides the rubrics of the Missal, which are to be considered as the closest rule for the sacred rites, the decrees of the Sacred Congregation of Rites should also be consulted, since this Sacred Congregation has the power to declare all doubts that arise concerning the rites, as can be gathered from Constitution 74 of Sixtus V, and therefore its resolutions are to be considered as the words of the Pope.

[*Latin ed. p. 222*]

It is noted that not all of its declarations are to be considered strict decrees, but only those that are issued in a strict form of decree, or at least have some clause of a decree at the end, such as: "it must be observed by all: it is commanded to be observed by all, etc." However, if they are merely declarations regarding doubts, then, according to the opinion of some, they are considered only directives, since they are regarded as the responses of the most wise men. Ursaja states that such resolutions are to be preferred over the opinions of other doctors. Thus far, Merati. Eusebius of Amorias agrees in volume 3, on the sacred orders, section 25, question 9. In the following question 10, he asks what should be done if a custom contrary to the rubrics prevails in a diocese or religious order? And he answers: The Sacred Congregation of Rites constantly tolerates a custom, at least an ancient one, that is contrary to the rubrics. Therefore, with a safe conscience, one may conform to the diocesan custom, especially in matters of lesser importance, which do not lead to a deformity of public worship. This is derived from several decrees of the Sacred Congregation, as cited by Merati, where it appears that customs are not rejected unless they contain a positive indecency that cannot be decently tolerated.

The rubric prescribes that the celebrant should be shod. However, it is sufficient that he be wearing shoes, commonly called "pianelle" or "pantofole," as Croia rightly states in number 399, and common usage dictates. It is also common that celebrating without shoes, unless for contempt, does not exceed venial sin, as Suarez states in book 82, section 3; Layman in chapter 6, number 16; Croia in the aforementioned place; Lugo in book 20, number 102; Palafox in page 10, number 9; Roncaglia in book 3, question 3, rule 1; Bonaventure in page 9, number 29; and Salm in treatise 5, chapter

4, page 4, number 100, along with Vasquez, Sanchez, and others, passim, against Sylvester. We said without cause, because necessity or a reasonable cause are exceptions, as Croia states ibid. with Spinetta and Pasquius, as well as Layman and Philip in Salm in the aforementioned place, there is no sin. Croia also states in number 402, with Vasquez, Dicena, and Gobinus, that he who could not celebrate without a chalice may lawfully use one. Gobinus adds ibid. that if someone could not celebrate unless with both arms affixed to the altar, he may lawfully celebrate in this way privately, but not publicly, unless he does so out of necessity. However, I believe that this does not exceed venial sin, and one may be excused from it if he is unable to stand upright due to infirmity, and wishes to celebrate out of devotion, provided that the admiration of the people is avoided. Croia also states in number 427, and P. Concina in page 510, number 4, that if someone cannot elevate the host, but can perform the rest, he may celebrate privately, and also publicly, if there is a necessity, and the people are warned, but I believe that it is sufficient to simply warn the people if someone celebrates out of devotion.

"Therefore, it will only be venial sin: 1. To omit the prayers that are customarily said while the priest is putting on his vestments, as Navar, Sylvester, and Azor teach, as Layman, Fagius, and Diana state in rule 21, etc. However, the washing of hands before or after Mass, although it should not be easily omitted, does not seem to be sufficient material for a strict precept, as Suarez and Tamburello state in section 6."

[*Latin ed. p. 223*]

2. To omit the Gloria, or the Creed, or the name of a Saint in the canon, or those things which are recited among the Communicants, or which occur after the actions [of the Mass], Diana, page 2, book 44, lines 49 and 89, according to Fillicini, Quintanilla, etc. However, it is not a sin, according to Sanchez and others (10), to not read the Gospel aloud during Mass, as the rubric is merely directive. Suarez, in *Tractatus de Expeditione Sacrificii*, book 2, chapter 5, states that it is generally not necessary to repeat something omitted during Mass, because 1) if it pertains to the substance of the Mass, such as something related to the consecration, it certainly must be repeated; 2) if, while praying in secret, one notices after a few words that they have omitted something significant, such as the words "Communicantes" on Easter Day, it is advisable to go back a little and repeat it. Thus, Fillicini, Diana, line 59, and Escobar. (Generally, all agree with Sporea, number 443, that the Gloria, or the Creed, or the Preface, or the "Communicantes" should never be repeated, nor the Gospel or Epistle if they have been read once for the Gloria.)

Regarding the omission of parts of the Mass, it is necessary to distinguish between ordinary and extraordinary parts. Ordinary parts are those that are always said or done; and to omit these from oneself is a grave sin,

unless the triviality of the matter excuses it. Therefore, Doctors commonly say that it is a mortal sin to omit the confession of sins with the others at the beginning of Mass, the Epistle, the Gospel, the main collects, the offertory, the breaking of the bread, and the mixing of it with the wine. Thus, Suarez, *Disputationes de Sacrificio*, chapter 9, article 2, section 8; Sporea, number 43; Council of Trent, session 22, chapter 5; Mazzola, book 3, page 209; Reymond, chapter 3, question 4; Viva, question 5, answer 7; Tamburrino, chapter 5, section 2, and others, passim; although not all of these authors can be found in all of these places. The same should be said regarding the omission of the Preface, according to Suarez, *Disputationes de Sacrificio*, book 2, chapter 9, article 2, section 8.

It is mortal to omit any prayer in the canon, or to change its words in such a way that the meaning is altered, or to omit any word, by which, if removed, the remaining words lose their meaning. Council of Trent, session 22, chapter 5; Croica, number 448, with Diana, Fillicini, and Aversa. The same should be said regarding the omission of the "Our Father" or the "Agnus Dei," according to Mazzola, Pasquati, Council of Trent, and Suarez, *Disputationes de Sacrificio*, chapter 9, article 2, section 8; Croica calls this "too strict," but unjustly. The same should be said regarding "Liberate nos, Domine," and "Quid retribuam," according to Suarez, *Disputationes de Sacrificio*, chapter 9, article 2, section 8; and regarding the purification of the paten and chalice after Communion, according to Pasquati, question 208, and Suarez, *Disputationes de Sacrificio*, chapter 9, article 2, section 8. The same should be said if one were to omit ten or eight names of Saints, as Salm, book 5, chapter 4, page 4, number 448, and Diana, page 40, book 46, line 36, believe. However, the Council of Trent and Nugnus, in Renzi, book 4, question 46, believe that it is also mortal to omit the name of even one or two Saints, but the correct and commonly held opinion is that this is not the case, according to Suarez, *Disputationes de Sacrificio*, chapter 9, article 2, section 8; Roncaglia, book 3, question 4; Salm, book 5, chapter 4, page 4; Croica, number 448, with Fillicini, Aversa, and Diana, Elbing, number 283; and Sporea, volume 4.

[*Latin ed. p. 224*]

425. Renzi, in his locis, cum Suarius et Granado, et probabiliter Quarti, sect. 3, p. 3, *Controversae*, tractant de remissione ab peccato gravi, si tres vel quattuor nomina Sanctorum omittantur.

406. Est veniale omittre "Kyrie eleison," ut dicit Roncatius, q. 4, r. 2; Diaz, part. 2, tr. 14, r. 59; Wigand, tr. 15, n. 75; et Elbel, n. 280. Mazzola, p. 209; Lugo, dist. 20, n. 104; et Tamburini, c. 5, §. 2, n. 5, dicunt idem de Evangelio Sancti Ioannis, contra Roncatius, q. 4, r. 4, qui non improbabiliter cum Suario, dicit hanc omissionem esse mortale, saltem si scandalum adsit. Est veniale omittre unam vel alteram crucem super oblata, vel genuflectionem pectoris, aut lavationem manuum. Roncatius, q. 4, r. 3; et Diaz, part. 3, tr.

5, r. 45. Croix, n. 147, cum Quarti, dicit idem de omissione psalmi "Judica," signi crucis super aquam, ablutionis digitorum in Missa, et similibus. Est veniale etiam omittre unam ex tribus collectis principalibus, ut communiter dicunt Contenson, *ibidem*; Concilii decretum, p. 510, n. 3; Elbel, n. 283; et Croix, n. 421, cum Quarti; immo, Tamburini, c. 5, §. 2, n. 5, putat non esse etiam mortale omittre duas ex his orationibus; sed alii rectius contradicunt, ut Suarius, dist. 83, sect. 3; Palearius, p. 11, n. 4; Concilii decretum, *loco citato*; Salmerius, tr. 5, c. 4, p. 4, n. 112; et Sporerius, n. 433, qui addit, quod si omissa sit prima oratio, ipsa cum secreta est recitanda, non vero postea. Hoc de collecta propria; nam alias orationes, quae praeter eam adduntur in Missa, non erit mortale eas omittre, ut Palearius et Concilii decretum *loco citato* dicunt. Si autem in Missali verba canonis sint detrita, et non possit aliud Missale haberi, nisi post longum tempus, illa omittre, cum memoria non tenentur, nullum est peccatum. Mazzotta, p. 210; et Croix, n. 418, cum Pasquati et Verricelli. Hoc tamen intelligendum, si sacerdos hoc prius non adverterit.

407. Verba muliebra, aut syncope intermediare, salvo sensu, et secluso scandalo, non est plus quam veniale, Croix, n. 442, cum Pasquati et Quarti; ac Mazzola, p. 112, qui probabiliter addit nullum esse peccatum, si id ex naturali defectu fiat.

408. Peccaret sacerdos, si in purificatione calicis solā aquā uteretur, cap. *Ex parte*, 5, de celebratione Missae, ubi dicitur: "Semper sacerdos vino perfundere debet postquam totum accipiit Eucharisticae sacramentum." Sed hoc non erit plus quam veniale, ut communiter dicunt Concilii decretum, p. 510, n. 3; Pasquati, p. 209, n. 8; et Croix, n. 423. Tamburini, qui id etiam ab veniali excusat, si sacerdos sit abstemius, contra Gavant. In ablutione autem digitorum, dicunt Pasquati, *loco citato*; Quarti, in *quaestionum* proemio, p. 6; Gobatius, apud Croix; et Bissus, apud Merati, p. 594, nullum esse peccatum, solam aquam adhibere; sed melius dicunt Concilii decretum, *loco citato*; ac Bonamicus, Cosettus, et Arnaud, apud Merati, *loco citato*, n. 24, id non excusari ab veniali, si fiat sine dispensatione Pontificis: excusabitur tamen, ut dicunt, si adsit rationabilis causa, pro qua puto sufficere.

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To abstain from wine, or to use wine that is red, so that any indecent stains may be removed. It should be noted, however, that it is more fitting to drink the wine in a single draught, as is commonly taught; however, Bauld, Cabrinus, Arnaud, and others, apud Merati, p. 593, permit the chalice to be brought to the mouth a second and third time, so that the remaining wine may be consumed, but Tonnell, Castald, and Crassus, ibid., say that the chalice should be brought to the mouth only once, tilting it slightly, so that all the remaining wine (as much as possible) may be drawn out. Furthermore, Saint Pius V, in a certain letter apud Gav. part. 2. tit. 40, warned that

the same amount of wine should be poured into the chalice in which the species of the blood were contained, and that it should be taken from the same part of the chalice from which the blood was taken.

Thus far, concerning the ordinary parts [of the Mass]; concerning the extraordinary parts, namely those that are not said at every Mass, it is only venial sin to omit them; thus, all commonly say, unless those parts are omitted which, when taken together, would constitute a notable matter, as the Council rightly observes, p. 510, n. 3, and Wig. tr. 15, n. 75, and whatever Quarti and Pasq. say apud Croix, n. 420. See the statement in n. 400. It will be only a venial sin to omit the Gloria, or the Creed, the sequence, the collects (except the proper one for the Mass), the tract, the preface, or the Communicantes, or Hanc igitur, specifically. Thus, comm. Conc. and Wig. ll. cc. Pal. p. 41, n. 41; Ronc. q. 4, r. 2; Mazz. p. 209; Elb. n. 284, with Henno, and Croix n. 420, with Lugo, Diana Veteranorum, and Filliuc. The washing of hands before Mass should be done at least under venial sin, and under grave sin, if the hands are very unclean, because of the reverence due to the sacrifice, as Ronc. rightly says, q. 1, r. 2; Cont. Tourn. cap. 9, art. 2, sect. 8, v. Quer. 4, with Quarti and others. To omit the washing of hands after Mass will be no sin, as Croix rightly says, n. 413, with Quarti.

It is doubted: 1. Whether religious are mortally sinful if, in the canon, they name the name of their General instead of the Bishop? Viva affirms, art. 7, nu. 1; Renzi, c. 4, qu. 16; and Diana, p. 2, tr. 14, r. 50, based on a certain declaration of the Sacred Congregation, apud Rodr. et Vill. But Spor, Rodr, Tamb, and Bordom, apud Croix, n. 436, deny it, because, as they say, this does not seem to be a grave matter, and it is not certainly established that such a declaration is authentic. It should be noted that in the canon, the name of the Bishop who is not celebrating should be mentioned (as Croix believes, n. 562), but of the place, as universal usage holds (at least among us), and as Merati, p. 437, and Gavant, Gob, etc., apud Croix, l. c., say, based on a declaration of the Sacred Congregation. And it is clearly proven from the Rubric, p. 2, tit. 8, n. 2, where it is said that if the Bishop of the place has died, the name of the Bishop is omitted.

It is doubted: 2. Whether it is venial sin to omit the prayers before or after Mass? Salm. affirms, tr. 5, c. 4, p. 4, n. 95, with Fag. and Leand., but speaking of those that are assigned after Mass. But commonly, Gav. denies, p. 2, tit. 1, n. 1; Cont. Tourn., loc. cit., v. Quer. 3; Antoine, p.

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492. n. 2. Holzm. n. 376. Pal. p. 4. n. 2. Tamb. c. 7. §. 4. n. 4. Elbel nu. 267. et Ronc. q. 4. r. 2., because in the Rubric there is no precept concerning these matters, but only a suggestion, since there it is stated only in the preparation of the Mass: "Prayers are to be said according to the opportunity (that is, the convenience)." Concerning this matter, Gavant. says: "It is clear that there is no sin if one omits them, and it is commonly... omitted by priests."

Nevertheless, I believe that a priest who, without any other preparation, even one made at home, approaches the sacrifice, cannot be excused from some degree of fault.

Doubt 3: Is it a sin to omit prayers while putting on the vestments? Suarez d. 82. at the beginning, and Buchardus ap. Gav. n. 6. & converso Azor lib. 10. c. 29. q. 5. Nav. Man. c. 25. n. 73. and Sylvest. apud Escob. n. 505. hold that it is a mortal sin, because, as they say (but not with sufficient probability), just as it is mortal to celebrate without vestments, so it is to put on the vestments without prayers. Therefore, it should be held, according to the common opinion, that this omission is blameworthy, but no more than venial, as Lugo dist. 20. n. 106. Bon. p. 9. n. 32. Laym. c. 6. n. 12. Cont. Tourn. ibid. post Quær. 14. v. Dico &. Salm. tr. 5. c. 4. p. 4. nu. 95. Pal. part. 10. n. 8. with Henr. and Petig. and Escob. n. 507. with Fag. Aversa, Man. Vega, etc. hold. Otherwise, the sacred vestments are necessary for the reverent celebration of the sacrifice, but the prayers for the vestments are not.

Doubt 4: Does a priest sin if, in a solemn Mass, he does not recite what is sung by the choir? Wig. tr. 15. n. 75. Nav. c. 40. n. 34. Diana p. 1. tr. 14. r. 42. also Led. Vill. Vega ap. Escob. num. 544. as well as Peliz. Tamb. and Quarti ap. Mazzotta p. 209. say that it is sufficient that the priest attend to what is sung; for what is said on both sides is communicated to each other, as in the canonical hours. Others, as Conc. p. 510. n. 3. and Pasq. apud Mazzotta, say that it is subject to a mortal penalty, according to the amount of matter, because it is already prescribed in the Rubric tit. 4. n. 7. and tit. 5. n. 4. and 5. Still others, as Lugo d. 20. n. 407. and Aversa, q. 41. sect. 12. not improbably say that it is subject only to a venial penalty. The reason is that, truly, the epistle or the Gospel is not omitted in the Mass, if it is already solemnly sung by the ministers for the instruction of the people, for which reason it was instituted to be read or sung. Therefore, that reading seems to be prescribed more privately for the priest himself, than for the people; therefore, the same matter, omitted, can become light if it is not by the priest, but only by the ministers, since the priest and the ministers in celebrating that Mass act as one.

Doubt 5: Is it mortal to celebrate Mass with a notable, voluntary distraction? Croiæ n. 443. denies it, with Diana, and Bardi, and Mazzotta t. 3. p. 242. considers it probable. And this, even if the distraction were during the consecration, or the reception; because (as they say) internal attention in prayer is not required under a grave penalty, according to the opinion of many Doctors, as related in 4. 5. n.

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177. The Council affirms this (p. 543, n. 13). Ronayne, chapter 3, question 2, reply 3, agrees with this, as do Tamburrino, chapter 3, n. 8 and 9, regarding those things which are recited in the canon, and during the consecration and communion. I, however, adhere more to this opinion,

because, (assuming that the question of whether internal attention is or is not essential to prayer has been sufficiently discussed, as mentioned in n. 177), the sacrifice, besides the reason of prayer, also has the reason of the most excellent worship of religion, and it seems to inflict a grave irreverence on that person who, while professing to worship God through a religious act, deliberately distracts himself.

441. — 3. It is permissible to add something slight to the Mass, even while praying secretly, such as the Our Father, or a psalm; or, in the canon, to add the name of the patron saint of the place, as Tamburrino states (loc. cit.). I say "slight," because Tamburrino, in the same place, states that to add something notable is a mortal sin, citing Bonaventure, article 4, final question. It is certain that adding something to the Mass with the intention of introducing a new rite is a mortal sin. See Suarez, volume 83, section 1; Paleari, page 44, n. 1, and others throughout. Therefore, it is rightly stated by the Council (p. 510, n. 5) that one sins gravely who adds new public prayers to the Mass. However, if several collects are added from the same Missal, or the Creed, or the Gloria, or the Pater, or the Ave, or something similar, out of undue devotion, this does not exceed venial sin; so generally states the Council (loc. cit.); Sporer, n. 428; Paleari, volume n., n. 1, with the Council and Mazzotta, volume 3, page 210, with Suarez and Gobius. However, Aversa, in Croix, n. 429, reasonably believes that adding the Gloria and the Creed in a Mass for the dead is a mortal sin, because this seems to be a sufficiently grave disorder. Concina, n. 5, and Croix, n. 429, with Pasquius, state that, although it is better to observe the rubric, it is not forbidden, for some reason or out of devotion, to add one collect; and Gobius and Piscara, in Croix, state that this can also be done on a feast of the second class, if there is a particular reason. A collect for a public necessity can be the third at will, or added as the fourth, Croix (loc. cit.); the more common opinion, however, is, ibid., that it should be omitted on feasts of the 2nd and 4th class. It should be noted here, from the decree of the Sacred Congregation of Rites, in Croix, n. 452, that when the Blessed Sacrament is exposed, even during a Mass, mention can be made of it; but then the prayer of consecration must be either the common one, or that proper to that Mass, as from other decrees of the same Sacred Congregation, in Pitton, n. 1214 and n. 1647. In votive Masses for a grave matter, and a public cause, the Gloria is always said, Croix, n. 464. And in a solemn Mass for a grave matter, or a public cause, such as a forty-hour devotion, the Creed is also said, Croix, n. 466. In the prayer "From all," it is not forbidden to name any canonized saint, and even two, but no more, Croix, n. 462. It is forbidden, however, to add the name of any saint in the Confiteor, and all the more so in the canon, as Tamburrino rightly observes (chapter 5, § 3, n. 9). And so

it is.

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It is permissible to add the names of other Saints to the public litanies recited before the people, according to a decree of the Sacred Congregation of [the] Twenty-Second of March, 1674, in *Gav. Man. Episc.*, volume 5, on Litanies, number 5 (1), page 412.

It is to be celebrated before the aforementioned Matins, as taught by Sylvester, Valentinus, Suarius, Vasquez, Lessius, Fagundes, Laym, and others; however, many, along with Paley, hold that this is venial if done without a just cause; although Tambini, in *l. 4. art. 7. §. 4. exped. sacrif.*, raises this to a question of doubt. (Regarding whether it is permissible to celebrate before the aforementioned Matins and Lauds, see number 347 above.)

Those things which are to be said aloud must be pronounced clearly; those which are to be said in a subdued voice must be pronounced so softly that those present cannot hear them. Tambini, in *de exped. sacrif.*, book 4, chapter 9, notes that Navar, in *de Missa*, observes that, from Cardinal de Lugo, in *d. 24, sect. 2*, it is commonly read without scruple, with a voice that is not too loud. Above all, it must be noted what is found in the rubric of part 4, title 16, where it is said: "The priest must especially take care to pronounce distinctly and appropriately those things which are to be said aloud, not too hastily, so that he may be able to understand what he is reading; nor too slowly (let those who prolong the devotion in the Mass take note), lest those who hear become bored; nor yet with a voice too loud (and in this many err), lest he disturb others who may perhaps be celebrating in the same church at that time, nor so softly that those present cannot hear; but with a voice that is moderate and grave, which will stir up devotion, and which will be so suited to those who hear that they may understand what is read, and that what is to be said in secret will be pronounced so that he himself may hear it, and so that those present may not hear it."

It is doubted whether one sins by pronouncing the words so softly that he cannot even hear himself. Tambini, book 4, chapter 9, section 5, number 2, from Navar (1).

Ordinary prayers of the Mass, which are prescribed under certain circumstances, must always be said after the ordinary prayers assigned for the day or time, without omitting any of them, not even those which are said at one's discretion; thus, the Sacred Congregation decreed on August 17, 1709. The following prayers belong to the ordinary prayers:

a) The prayer prescribed by the Bishop or superior, which is omitted on feasts of the first class, but may be said or omitted on feasts of the second class in a private Mass, but must be omitted in a solemn Mass. Sacred Congregation, May 15, 1819. It is not to be omitted on Sundays of the first

and second class, except on Palm Sunday and the Fourth Sunday of Advent, if the Vigil of the Nativity falls on that day. Sacred Congregation, April 20, 1822.

b) The prayer for the Most Holy Sacrament, which the Sacred Congregation decreed on June 28, 1736, must be said in a sung Mass during the exposition, under a single conclusion, if there are only two prayers; if there are more, it must be joined with the other commemorations at the end; also, in private Masses, if the exposition is for a public cause, even in a pyx. Sacred Congregation, May 7, 1746; but it must be omitted on feasts of the first and second class. Sacred Congregation, December 2, 1884.

It should be noted that in prayer A, all the words up to "N." must express the name of the titular church in which the Mass is celebrated; if the name of a Saint already occurs in the prayer, another Saint may be named or omitted altogether. If the titular is an angel, St. John the Baptist, or St. Joseph, the names of these must be placed before the names of the Apostles. By concession of Pope Pius VII, September 17, 1815, it can be said for St. Joseph: "Mary with Blessed Joseph, her spouse, and with the Blessed Apostles, etc."

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He states that one does not sin if the prayer is vocal, because it is sufficient that it be uttered aloud. Others, however, as cited in Croix, number 438; Gavotti, page 4, paragraph 16, letter g; Council, page 541, number 6; Paley, *De Horis*, canon 2, page 3, number 6; Suarez, *De Religione*, book 4, chapter 7, number 6; and others, say that one does sin mortally, because words that are not heard do not constitute a vocal prayer. However, it is probable, as stated in Contenson, *Tournheim*, this chapter, number 9, article 2, section 9, before question 6, that it is not a mortal sin, since it is a probable opinion that it is not necessary for the one who is praying to hear himself (this opinion is held by Layman, Azor, Sylvius, Salmeron, and others, as cited in number 463), and this is what is found in the book of Kings, chapter 1, where it is said: "And Anna... prayed to the Lord..., saying, Lord..." Thus, in a vocal prayer, it is then added: "But Anna spoke in her heart, only her lips moved, and her voice was not heard." However, the same Contenson rightly says that in the Mass, this does not excuse one from a venial sin, since in the rubric mentioned above, it is expressly commanded that the celebrant pronounce the words so that he himself may hear them. It is true that Quarti, page 1, volume 46, question 4, says that one is not excused from a mortal sin if one pronounces the words of consecration in this way. The reason is that, since the opinion of Paley and others, as mentioned above, is also probable, the sacrament would be exposed to the danger of nullity, which is certainly illicit, as condemned by Innocent XI in number 445.

Question 2: Does one sin who recites in a subdued voice what is commanded to be recited aloud? It seems entirely to be denied, as stated in

Tamborini, chapter 9, section 4, number 1, who asserts that the Mass can be recited without scruple, even by those who are very timid, with a voice completely suppressed. On the contrary, Navar and Cajetan, as cited in Contenson, *Tournheim*, say that it is a mortal sin. However, I believe it is better to say, with Contenson, *Tournheim*, ibid., that it is not a mortal sin, since it does not seem to be a grave matter; but one can certainly not be excused from a venial sin, since the opposite is expressly commanded in the rubric. Roncaglia, chapter 3, paragraph 2, rule 4; Croix, number 439; Mazzola, volume 3, page 241; and Wigand, translation 45, number 76, say that one does not sin who recites in a subdued voice what is to be recited aloud, if he exceeds the measure of secret recitation; but this does not satisfy me, because, according to the rubric, it is not always sufficient to exceed the measure of secret prayer; for, besides those things that are to be said in a subdued voice in the Mass, there are other things that are to be recited aloud, and other things with a moderate voice, and all of these must be recited so clearly that they may be heard by those present; although it is well thought that the Council, page 544, number 6, it is no longer necessary for the people to hear the voice of the celebrant, but it is sufficient that those who are present, namely those who are near the altar, can perceive what is being read.

Question 3: Is it a mortal sin to recite aloud what is to be said in a subdued voice? Commonly, Doctors say that there is no sin if the words are heard only by the ministers; thus, the Council, page 504, number 7; Gavotti, page 1, title 6, letter g; and Croix, number 440, with Gobius. On the contrary, Gavotti, ibid., and Quarti, page 4, title 16, question 4, believe that one sins mortally if one reads aloud.

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It is the opinion of some that the entire canon, or, as Quarti adds, a notable part of it, or other prayers which ought to be recited in a low voice, should not be spoken aloud, because, as they say, these sacred words, if repeated frequently, would lose their force; and because, if the priest were to pronounce these words aloud, he would seem to be intending to introduce a new rite, and this could easily give rise to scandal. Croia agrees that the words of consecration, because the people, as he says, knowing these words, might afterwards use them rashly and in jest. Furthermore, it is asserted that it is only a venial sin if the aforementioned words of consecration are heard only within a distance of 6 or 8 paces; but it is a mortal sin if they are heard within a distance of 40 paces. However, he himself believes that it is a mortal sin even within a distance of 10 paces, if a large part of the congregation is present; although the Council of Trent does not dare to approve of this. I will say something about these matters: There is no doubt that one cannot be excused from a venial sin if, during Mass, one pronounces aloud those things which ought to be said in

a low voice, since this is contrary to the rubric, which, as mentioned above, prescribes that the priest should hear himself, and not be heard by those around him. Moreover, it is easy to assent that one could sin mortally if, in a significant portion, one pronounces the words of consecration or the canon so loudly that they can be heard within a distance of 40 paces; for in this case, one should make every effort to raise one's voice so that it can be heard for almost 300 paces, and this would truly appear to be a grave scandal, showing a contempt for the words and the rite. But who, except someone with a disordered mind, would do this? However, outside of this case, I do not recognize a grave sin in this matter, since the reasons given are hardly convincing: I do not see how a grave scandal could arise from this, especially if the celebrant pronounces the words devoutly; nor am I moved by the argument that these words would lose their force, or that those who hear them might use them rashly, for if this were the case, the Gospel of St. John, which is read daily, should also be recited in secret, lest it lose its force.

447. — • 6. It is forbidden to change the Mass, and on Sundays, or on feasts of the highest rank, e.g., or on those days on which it is forbidden to change the Mass on feasts of the highest rank, e.g., during the octaves of the Epiphany, Easter, etc. On weekdays, the votive Mass, or the Mass for the dead, or the Mass for another Saint included among the Saints, should not be celebrated without a serious reason. Suar. Dian. Lugo, loc. cit. Escob. contra Quint., vol. 7, p. 40. Some believe that it is permissible to celebrate a votive Mass during Holy Week, which is contradicted by Gav. Dian., vol. 8, p. 9, r. 53, based on a declaration by Cardinal Dix. 1. Without a serious reason: such a reason is considered to be, 1. one that pertains to the good of the republic or the prince, e.g., the need for rain, an impending war, or a plague, or a similar universal evil: (Likewise, Sporer, n. 430, and Tamb., c. 6, §. 1, n. 4.) • Also, a solemn thanksgiving Mass, a solemn exposition of the Eucharist, e.g., on the days preceding Ash Wednesday. (See what is to be said on this matter, n. 421, below, in Part III.) • 2. When a corpse is present in the church, where this custom has obtained. Gav., vol. 5, p. 1. 3. If someone celebrates Mass in a church in which the feast day of the place is being celebrated: he is not to...

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Gavinius notes that one ought, but is able, to conform to the circumstances; see Tamburrini, vol. 2, chapter 6. He adds that, even if a priest has accepted a stipend, and has promised a votive Mass, or one for the dead, even on a privileged altar, he is not only able, but ought to celebrate Mass on those days, in which such Masses are prohibited. (This is to be understood when a Mass has been promised for that day. However, it is certain that, after the decree of 1614, number 339, in *Quaestionum*, volume 4, that indulgences of the privileged altar are rightly granted, even when a

Mass is said for the current day. It should also be noted that, when many votive Masses have been accepted, and there are not enough days free from restrictions, votive Masses can be celebrated on those days, as declared by the Sacred Congregation in 1614, May 4th, in *Merati*, page 446, by special grace of the Pope. Even if one has promised such Masses to God by vow, he is not nevertheless obligated to celebrate them on those days, because a vow does not obligate when it impedes a greater good, such as, it is said, is the conformity of the office with the Mass; otherwise, on other days. I have said (2, in the number of the Saints): because if it is only a blessed one, about whom certain priests, for example, of a certain order, have been granted permission to say Mass, as Granovius, 2, 2, *contra*, chapter 7, paragraph 4, section 2, and Escobar, *contra Palaum*, teach, it is not permitted to other priests, even if there is no other feast, to say Mass for him: because the Sacred Congregation for Rites has expressly determined this, as seen in Gavinius. See Escobar, number 41, and Tamburrini, volume and chapter 6, where Palaum says that the contrary is more probable, and more pious. It is certain that, for the Saints of the Society, if they celebrate in temples of the same Society, by concession of the Popes. Quintius also holds this, volume 7, *singularia*, chapter 7. If anyone violates the rubrics pertaining to the essence, or quasi-essence, of the Mass, or if he does not observe any of them clearly, he sins mortally. Escobar, from Fagundes, page 2, book 3, chapter 21, number 9, 448.

This discourse concerns votive Masses, namely, when they can be said. According to the Rubric in title 4, number 3, votive Masses are prohibited on Sundays, and on every double feast. Also, within the octaves of Epiphany, Easter, Pentecost, on the day of Ash Wednesday, the Major Week, and on the vigils of the Nativity of the Lord, and of Pentecost, according to the decree of the Sacred Congregation for Rites, August 28, 1627, in Gavinius, page 4, title 4, number 3. Also, within the octave of Corpus Christi, according to the decree of the same Sacred Congregation, June 24, 1670, approved by Clement X, in Croia, volume 6, page 2, number 498, and 2085. The same is to be said even more strongly about Masses for the dead, which moreover cannot be said during the exposition of the Blessed Sacrament for Forty Hours, and in a church where a Mass is celebrated for a double feast, even if those Masses were to be celebrated according to the prescriptions of testators, as in the decree of April 27, 1698, in Merati, index, 541, 449.

However, except for these days, votive Masses, or Masses for the repose of the soul, can always be said. It should be noted, however, that...

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brica tit. 4, n. 3, states: "Votive Masses on days when private Masses are permitted may, at the discretion of the priests, be celebrated on any day, whether the office is double or not, or even on a Sunday..." However, this

should not be done unless there is a reasonable cause, and, if possible, the Mass should be celebrated in conjunction with the office. Note that "unless there is a reasonable cause" means that it is not sufficient for a priest to celebrate a votive Mass simply to expedite his own affairs, or for some other trivial reason. However, there is no doubt that a request made by a benefactor for a votive Mass is a just cause for celebrating it. Furthermore, Tamb. l. 2, c. 2, §. 4, n. 3, likely considers a special devotion to a particular mystery or saint to be a sufficient reason, as such practices are, according to him, undertaken without scruple by the devout. Indeed, Ronc. c. 4, q. 2, r. 4, citing Gav. p. 4, tit. 4, lit. p., at the end, believes that the aforementioned rubric is merely advisory and does not obligate anyone in any way, so that even votive Masses can be celebrated without any reason whatsoever; otherwise, he says, the rubric would seem to contradict itself, since it previously stated that votive Masses can be celebrated at the discretion of the priests, but discretion is not limited by reason. However, I do not agree with this opinion if anyone were to celebrate votive Masses without any reason whatsoever; for the rubric, with those words, "however, this should not be done unless there is a reasonable cause," restricts the discretion, so that even these Masses cannot be celebrated unless a reasonable cause is present. Secondly, it should be noted that conventual Masses must always be in accordance with the office of the day, as decreed by the Sacred Congregation on May 16, 4626, and January 16, 4627, as cited by Merati in Ind. n. 498 and 204. Otherwise, canons do not receive distributions, as decreed on June 25, 4614, and January 28, 4612, as cited by Gavant. p. 4, tr. 4, n. 3, 420.

Question: Is it a mortal sin to celebrate a votive Mass, or a Mass for the dead, on the aforementioned prohibited days? Angel. v. Missa num. 33, and Barth. ab Ang. §. 466, affirm this, but generally, it is denied, unless there is scandal or contempt of the Supreme Pontiff, as stated by d. 83, sect. 3, Bonac. p. 7, §. 3, n. 2 and 3, Lugo d. 20, nu. 105, Fill. de Euch. n. 456, Ronc. c. 4, q. 2, r. 2, Sporer n. 429, with Laym. and Tamb., Salm. tr. 5, c. 4, p. 4, n. 114, with Hurt., Gran., Dian., Vill., Miranda, etc., and Escob. l. 21, n. 512, with Soto, Sylvest., Henr., Med., and Reg. The reason is that it does not seem to involve a notable perversion of the rite. However, Escob. believes that on solemn feasts (although he also considers the opposite to be probable due to the authority of the Doctors), it is a mortal sin; and Roncag. l. c. also believes that it is difficult to excuse celebrating a public Mass in this way without a grave scandal. Furthermore, Ronc. l. c. r. 3, states that it is not excused by mortal sin to celebrate Masses for the dead on prohibited days, because this is strictly prohibited in the decree of the Sacred Congregation of August 5, 4662 (as cited by Merati Ind. n. 396), approved by Alexander VII, which states: "It is strictly prescribed that no private Masses for the dead should be celebrated on double days..." And pastors of churches, etc., should take care to ensure that this decree is inviolably observed. However,

all agree that Masses can be celebrated...

[*Latin ed. p. 233*]

Votive Masses, or Masses for the Dead, may be offered for certain reasons. What these reasons are will be explained in the following question.

421. – Question II. What are the reasons for which a votive Mass, or a Mass for the dead, may be offered, even on days that are otherwise prohibited?

Answer: I. If there is a pressing public need, as mentioned above (Busemb. II). II. If a feast day is celebrated twice in a particular church, which can easily happen in churches of regular canons; in such cases, the priest should celebrate a Mass appropriate to the feast day, as rightly noted by Gav. p. 3, title 10, no. 16, v. However, Tamb. c. 6, § 4, no. 14, also states this. And on this matter, there is a decree from the Sacred Congregation (S. C.) of November 49, 1622, found in Croiæ, no. 2055, Decree 263. Furthermore, the same Sacred Congregation declared on July 24, 1683, in Merati, Index, no. 447, that the vows of religious or nuns cannot be counted as a grave obligation, so that a solemn votive Mass of the Holy Spirit can be sung; and it considered the contrary custom to be an abuse. III. If there is an exposition of the Blessed Sacrament during the Forty Hours devotion. In this case, what Clement XII established in the constitution of September 9, published on September 4, in the year 4730 (Merati, p. 686, no. 10) must be observed. There, the Pontiff prescribed that a solemn votive Mass of the Blessed Sacrament, with the Gloria and Creed, should be celebrated at the altar where the Eucharist is exposed, as are Masses for important matters; except on Sundays, and on double feasts of the first and second class, as well as on the feast of the Purification, and on the feasts of the second, third, and fourth weeks of Lent, on days within the Octave of Easter and Pentecost, on the vigils of the Nativity of the Lord and Pentecost, and on the Octave of Epiphany; on these days, it is prescribed that the common Mass should be sung with the prayer for the Blessed Sacrament, with a single conclusion. This commemoration should also be made in private Masses. If such Masses are celebrated of the Blessed Sacrament on permitted days, they will be votive Masses without the Gloria and Creed. IV. In the case of a death with the body present (even if this practice is not observed everywhere, contrary to Gav. apud Busemb., as mentioned above), a Mass for the dead can be offered, even on Sundays and double feasts, according to the decree of the Sacred Congregation of May 23, 1603, found in Merati, Index, no. 46, except for the feasts of the first class, according to the decree of July 5, 1698, ibid., no. 525. However, when the first news of the death of a person who has died far away is received, a Mass for the day of death can be sung, even on a double feast, but not by obligation; in such a case, it should be postponed to the following day, according to the decree of May 4, 1686, found in

Croiæ, book 6, page 2, no. 2055, Decree 82. All of these decrees refer to solemn Masses, not private Masses, according to the decree of January 40, 1693, found in Merati, Index, no. 505, contrary to what Wig. says in his treatise, no. 15, no. 68. However, the decree cited by Gav. p. 4, title 5, no. 2, dated September 4, 1607, which states that Masses for the dead can be tolerated on a double feast, not by obligation, in order to fulfill the wishes of testators, is considered by Merati, p. 149, to have superseded other decrees, especially the decree issued on August 5, 1662, in Index, no. 396. Furthermore, in another decree of November 2, 1662, in Index, no. 422, it was stated that even on a major double feast, solemn anniversary Masses can be offered, not by obligation.

[*Latin ed. p. 234*]

According to the dispositions of the testators, Masses should be said annually on the day of their death. The same applies to the third, seventh, and thirtieth days: and private Masses are to be said on the day itself, and not postponed. Furthermore, the Sacred Congregation of Rites, in Decree 49, June 1700, cited by Merati in Index, number 547, declared that a sung Mass for the repose of the soul can be said on a lesser double feast day, if the parishioners frequently request it throughout the year for a deceased person, provided that it is done on the anniversary of the death. If the anniversary, or the third, seventh, and thirtieth days, fall on a feast day of precept, they must be transferred to the following day, according to the decree of May 23, 1603, cited in Index, number 20. However, the anniversary can also be anticipated, and in that case, the Mass is said as if it were on the anniversary, according to the decree of July 5, 1698, cited in Index, numbers 529 and 422.

Question III: Is one obligated to say a votive Mass for the Blessed Virgin Mary, or a Mass for the repose of the soul, by reason of alms or a chaplaincy, on days when such Masses are permitted, satisfied by saying the current Mass? Laym, book 4, question 5, and Tamborini, book 2, chapter 2, section 2, number 6, deny this, because the priest is bound to fulfill the reasonable will of the one providing the stipend. However, Suarès, distinction 83, section 3, Azor, page 1, book 40, chapter 32, question 5, Bonini, page 7, section 3, number 4, Croia, number 374, Paleari, page 14, number 10, with Navarrelius, Henricus Barbatus, etc., and Salm, treatise 5, chapter 4, page 4, number 125, with Sa, Garzia, Dic, etc., affirm this, and with good reason, because, although the Church permits votive Masses on certain days, it is more fitting to conform to its general prescription. In this way, the prayers of the votive Mass are sufficiently compensated for by the Church on that day with the prescribed prayers, and the will of the giver of the alms is fulfilled by the execution of the Church's will (which should always be preferred), which prescribes a specific Mass; and therefore, the rubric, when speaking of votive Masses, permits them, but adds at the end: "If

possible, the Mass should be in accordance with the office." Salm, treatise 5, chapter 4, page 4, number 125, in fine, with Antonius Spinetius, also states that this holds true even if the priest has expressly promised a Mass. And, they add (Croia, number 371, and the same Salm, ibid., number 127, with Panormius, Suarès, and Garzia), even if the priest has vowed to say a votive Mass on that day, as such a vow is not for a better good. However, this must be excepted if the Mass is to be said at a privileged altar, which must necessarily be celebrated on certain days for the repose of the soul, as we said in number 339, question 1, 423.

Question IV: What should be noted regarding the manner of celebrating votive Masses? It should be noted:

I. That in votive Masses, it is not necessary to say prayers in an odd number, as Merati states on page 135, number 42. However, three prayers must be said in a private Mass, but only one is said in a solemn Mass. Merati, number 44.

II. That votive Masses, or Masses of the Nativity of the Lord, the Epiphany, Easter, the Assumption of the Blessed Virgin Mary, and all similar feasts, including the feasts of Saints, which have proper introit and collects, should not be said, as declared by Paul V, cited by Merati, page 124, number 47. In other cases...

[*Latin ed. p. 235*]

I shall present votive Masses, in which the truth and the proper wording are not violated; nothing prevents these from being said, although it is better to say the votive Mass that is found in the Missal; thus, Merati, in that place, page 422, adds, that if the word "today" can be omitted where it is found, or if the words "Nativity," "Festivity," etc., can be changed to "Commemoration" or "Memory," then that Mass can be recited properly. To be noted, thirdly, that votive Masses can be said for any Saint, provided that his canonization is established from the Martyrology, or elsewhere; see Merati, page 419, number 15, from Bellarmine, etc. But not for those who are not venerated by the public and universal Church. Therefore, Masses for the Blesseds, granted to a particular religious order or place, cannot be celebrated by others, by other churches, or on other days, than those granted in the document, as Escob, book 21, number 535, correctly holds, with Molfetta, Aversa, Gran, and Diana, and Merati, page 419, number 16, with Quarti, Bisso, Guyeto, and the common opinion, from a decree of the Holy Congregation issued on September 10, 1652, and another at Croix, number 2055, Decree 227. To be noted, fourthly, what is prescribed in the rubric concerning particular votive Masses; and, fourthly, in the votive Mass of the Most Holy Trinity, when the prayer of thanksgiving is said with the first prayer, only another prayer is said: "O God, whose mercy..." with a single conclusion: however, this applies to a solemn Mass for a grave or public cause of the Church, but not to private Masses, in which the second

prayer will be for the day, and the third for thanksgiving: thus, Merati, page 425, number 24, with Guyeto, Bisso, etc. Secondly, in the Mass of the Angels, the "Glory be" is always said, whatever day it is celebrated; the second prayer will be for the day, and the third will be that which would otherwise be the second in the current Mass. If, however, a votive Mass for Saint Michael the Archangel is requested, the Mass for his Dedication can be said on September 29th, and likewise the Mass for the Angels Custodes can be said on October 2nd, thus Merati. Thirdly, in the Mass of the Holy Spirit, the second prayer will be for the day, the third will be "A cunctis" or "Concede" depending on the variety of the time. Merati, page 127, number 28, with Quarti and Tonnel. And likewise, the Mass of the Most Holy Sacrament (Merati, ibid., number 29), the Mass of the Passion, and the Mass of the Apostles are said. Fourthly, in the Mass of the Blessed Virgin Mary, the second prayer will be for the day, the third will be of the Holy Spirit, and on weekdays, the second will be of the Holy Spirit, and the third for the Church or for the Pope. It should be noted that a solemn votive Mass for the Blessed Virgin can be celebrated with the "Glory be" and the "Credo" for a public reason, due to the concurrence of the people, from the decree of the Holy Congregation of June 8, 1658, in Merati, page 417. Also, it should be noted that if you say a votive Mass for the Blessed Virgin on the feast of a Saint of the second class, within the octave of the Blessed Virgin, then the common votive Mass for the Blessed Virgin is not to be said, but rather the Mass for her octave, without the "Glory be" and the "Credo," from the decree in Croix, book 6, page 2, number 503, and in Merati, index, number 474. If, however, a Mass of the Most Holy Rosary, or of Mount Carmel (Diana Veteranorum), is requested, the Mass granted to the Dominicans or Carmelites cannot be said.

[*Latin ed. p. 236*]

From the decrees found in *Merati* in the section on Judgments, numbers 489 and 229, it can be said that the Mass may be celebrated on a feast day. *Merati*, page 129, number 30, 5. In a Mass for the dead, the psalm *Judicia* is not recited; the celebrant, when beginning the Introit, does not make the sign of the cross upon himself, but upon the book; he does not say, "Jube, Domine, benedicere"; he does not kiss the book after the Gospel; he does not bless the water; nor does he say "Gloria Patri" in the psalm *Lavabo*; at the *Agnus Dei*, he does not say "Miserere," but "Dona eis requiem"; the prayer for peace is not said, nor is "Ite, Missa est," nor "Benedicamus Domino," but "Requiescant in pace," and no blessing is given. 424. Here, in the final section, the effort is made to note certain decrees of the Sacred Congregation of Rites of greater importance pertaining to the celebration of the Mass, excerpts from many, which are presented by Croia, book 6, page 2, number 2055, 4. A conventual Mass must be sung daily in collegiate churches, where the clergy are numerous,

and the revenues are not meager. January 14, 4603. 2. Canonically, it is entirely required that the Mass of the day be sung, so that distributions may be received. January 28, 4642. 3. A priest who celebrates a conventual Mass, in which the choir is obligated to sing the *Symbolum*, cannot continue the Mass during the time that the aforementioned *Symbolum* is being sung by the choir. December 17, 4695. 4. Masses, offered to fulfill an alms given to a particular church, are not to be celebrated by outsiders, where it is possible to fulfill that obligation through priests of the same church. January 28, 4606. 5. Those below the rank of bishop should not take vestments from the altar for the Mass. July 7, 4712. However, this should be understood, as Gavant notes, so that vestments are not placed in the middle of the altar, as is the custom of bishops; for if they are placed in the corner, this is permitted by the Rubric itself, page 2, title 12, number 6, which says: "If (the priest) intends to leave the vestments near the altar where he celebrated, after the Gospel has been read, he removes them there." At least, says Croia, number 2072, this should be permitted, where there is no convenience in placing them elsewhere. 6. A portable altar of wood, with a stone altar, is permitted, notwithstanding the synodal constitution, provided it has the customary repository for relics. January 19, 4644. 7. Only the bishop can have windows in the church, through which a view of the church can be had. January 19, 4644. 8. It is not permitted in churches, in which the Blessed Sacrament is not reserved, to celebrate Mass on the Feast of the Lord. Nor is its reservation permitted in a repository. June 24, 4659. 9. It is not permitted to celebrate Mass at the principal altar while the Matins and Hours are being sung in the choir. September 15, 1664. 40. A commemoration of the Blessed Sacrament can be made, if it is exposed, even in a Mass on a double feast, which is not of the first or second class. December 2, 1684.

[*Latin ed. p. 237*]

44. If the commemoration of all the faithful departed should occur on a Sunday, the office with the Mass for the dead shall be transferred to the following day, even if that day is a double feast. October 5, 1688.

42. The priest uses a linen cincture more appropriately in the sacrifice of the Mass than a silk one. January 22, 1704.

43. Having obtained permission from the Apostolic See to erect a private oratory in his own home, if someone wishes to build a wooden altar there, he does not require apostolic permission, provided that the wooden altar, which is attached to the wall with a sacred stone, is not removable, and that it does not bear the image of a portable altar. December 3, 1664, cited in Merati, Index, 393. However, it is to be understood broadly that the altar is attached to the wall, and that there is no space between it and the wall; thus, it is verified that the altar does not bear the image of a portable altar, and this is at least how it has been interpreted in practice.

44. It cannot be prohibited to celebrate Mass in an oratory built in the countryside by a layperson, before the parish Mass has been celebrated. March 34, 1629 (cited in Merati, Index, no. 242).

45. The Sacred Congregation has frequently ruled that the constitutions of synods, which stipulate that Mass should not be celebrated in other churches on feast days, unless Mass has been celebrated in the parish church, should be observed; however, it is so understood that Mass is celebrated in the parish church at an appropriate hour. May 25, 1652 (cited in Benedict XIV, Notitia, 44, no. 42).

46. Regarding the strictness of the law, it cannot be prohibited (that is, by the parish priest) that Masses be celebrated before a Mass has been celebrated by the parish priest. June 27, 1644 (cited in the same).

The aforementioned passage concludes with a reference to Christian Lupus, who, in his work, page 4, volume 44, chapter 9, has long demonstrated the practice of the exposition of the Eucharist in the Church; he strongly promotes it, saying that frequent exposition of this Sacrament draws the people away from vain pleasures, increases the attendance at churches, and excites the faithful to greater devotion. However, St. Charles Borromeo, in his XI diocesan synod, prescribed: "That the Eucharist should not be publicly displayed for any reason, but only for public and solemn reasons; to others, prayer may be offered, but not with the Sacrament openly exposed." Furthermore, Benedict XIV (in his Notitia, 30, no. 44) reports that the Sacred Congregation, on August 17, 1630, in Naples, prescribed as follows: "The Sacred Congregation ruled that religious orders, even in their own churches, may not publicly adore the Blessed Sacrament, unless for a public reason that has been approved by the Ordinary; but for a private reason, they may do so, provided that the Blessed Sacrament is not taken out of the tabernacle, and if it is veiled, so that the sacred host cannot be seen." This was confirmed by our Pope Benedict XIV by another decree dated April 16, 1746 (see in his Bullarium), where it is stated:

[*Latin ed. p. 238*]

It is not permitted to expose the Divine Eucharist publicly, unless for a public reason, and with the permission of the Bishop. Therefore, from all these decrees, it seems certain that it is not permitted to expose the Most Holy Sacrament for the sake of victory in a dispute, for the health of someone (unless that person is of public importance, whose health is conducive to the good of the community), and thus for other private reasons. But is it permitted for the sake of the special devotion of a particular person? Father Concina doubts. I will say what I think: I say 1. that if a private individual seeks to have this exposition done in order to promote public devotion, then this appears to be rather a public, than a private, reason. I say 2. with Concina, that in this matter, one must consider whether, in those places where the exposition takes place, devotion to and reverence

for the Sacrament is increased or diminished, and according to this rule, I believe that the exposition should be done or omitted; for where devotion and reverence increase, with the proper permission always obtained from the Ordinary, I do not know, especially given the frequent practice in our region, why such an exposition of the Most Holy Sacrament should not rather be praised than condemned; provided (I would add) that it is not too frequent, for excessive frequency would indeed be a cause for the reverence towards that Sacrament to diminish. Furthermore, it should be noted that there is also a decree of the Sacred Congregation of Bishops and Regulars which prohibits the removal of the pyx from the tabernacle, when it is exposed for a private reason, with these words: "If at any time the most holy Eucharist seems to be exposed for a private reason, it must never be taken from the tabernacle, but must be veiled in the pyx and placed in the open doorway of the same tabernacle, with the assistance of a priest, vested in an alb and stole, and with at least six beeswax candles placed around it. This same practice must be observed in secular churches." This is stated in Notification 30, no. 27, by Cardinal Lambert. Pope Benedict XIV, in his bull, mentioning these decrees, says that for a private reason, the pyx can never be taken out, nor even for blessing the people: "If, however..." (these are his words), "it should not be taken out of the tabernacle, it is easily understood that in the designated cases, it should not be brought to the door of the church, nor should a blessing be given with it." Here, by the way, it should be noted what the same Pope adds in the aforementioned bull: "Nor is it permissible for anyone to introduce a new rite by private authority." He also quotes Canon 43 of the Council of Trent, Session 7, where it was forbidden to change the customary rites concerning the administration of the sacraments, and declares that this canon also applies to the worship of the Most Holy Eucharist. Speaking of rites that have already been introduced, he says: "And whenever the introduction of such a rite occurs, even if it contains nothing contrary to piety, the Apostolic See has not hesitated to forbid it, due to certain external circumstances that were not foreseen or were neglected by the one who introduced the rite."

[*Latin ed. p. 239*]

It must also be noted that, according to a decree of Innocent XI, dated September 4, 1680 (reported by Merati, p. 681), it is forbidden to place statues, relics of the Saints, or images of souls in Purgatory on the altar where the Blessed Sacrament is exposed. Furthermore, the "Alleluia" is not to be added after "Panem de cœlo," according to a decree of the Sacred Congregation, as found in Merati's Index of Decrees, 523. It is worthwhile to inquire and ascertain in which churches the Blessed Sacrament can be reserved. Cardinal Petra, in his commentaries, volume 3, concerning Constitution 4 of Urban IV, paragraphs 15 and 29, along with Barbosa, Riccio, and others from Genoa, and numerous decisions of the Sacred Congregation,

affirms that it can only be reserved in parish churches, because only in these can the Apostolic See grant a dispensation; the Ordinary cannot. It is also reserved in cathedrals, because these are considered the first parishes, but it is not to be reserved in the main altar, but in another chapel, due to the pontifical functions that must necessarily be performed before the altar by the Bishop. It is also permitted to reserve the Sacrament in churches of regular canons, due to the necessity of administering Communion to the sick there, as stated by Pelliz. Manual of Regulations, volume 3, chapter 6, paragraphs 4 and 6, and by Petra, op. cit., paragraph 48, with a gloss. It is also permitted in the churches of nuns living in cloister, by decree of the Sacred Congregation of the Council in Lisbon, in the year 1585, as cited by Petra, paragraph 49. The same Sacred Congregation also decided in Mexico, on May 15, 1700, to grant the Fathers of the Oratory a dispensation to reserve the Eucharist within the cloister for a period of four years, during which ordinations take place. However, it is not permitted in colleges established solely by the authority of the Ordinary, such as conservatories, which are not approved, but are only tolerated by the Apostolic See, and in which the rights of the parish are preserved for the parish priest, as decreed by the Sacred Congregation of the Council in Salerno, on August 19, 1702, and in Naples, on July 4, 1707, where it was expressly declared that the reservation of the Eucharist is not permitted in conservatories without Apostolic authority; see Petra, paragraph 21. The same was decreed by the Sacred Congregation with regard to the Graces of the regular canons; see paragraph 23. The same applies to collegiate churches, unless the reservation of the Eucharist there is for the service of their parishes, paragraph 24. The same applies to the churches of confraternities and hospitals, paragraph 30. The same applies to rural churches, or others within the boundaries of a parish, paragraphs 30 and 31, unless there is a chapel of the parish, and there is a custom of reserving the Sacrament there, and a necessity for the salvation of souls, as stated and confirmed by Petra, paragraph 28. Finally, Benedict XIV, in his bull "Quamvis justo," dated April 30, 1749, § 24, declared that the right to retain the Eucharist privately belongs to the Pope, as canonical discipline teaches, according to which the Eucharist cannot be retained in churches that are not parishes without an Apostolic indult, or an ancient custom (or a custom of a hundred years, not of forty years, as demonstrated by Petra, paragraph 35), which constitutes a presumption of such an indult.

[*Latin ed. p. 240*]

No one is induced [to believe otherwise]. However, [the decree] *Petra* n. 32 notes that, although there may be an unforgettable custom in some Church regarding the reservation of the Sacrament, this custom is not sufficient, if it is established that it was reserved from the beginning solely by the license of the Ordinary; for that possession is of very little value, when it originates from a flawed title; and thus decreed the Sacred

Congregation of the Council in Naples on July 28, 4708. Furthermore, it should be known that the Apostolic See never grants such a license for private chapels, nor for rural chapels, unless there is a gathering of people there, and a distance from the parish; thus *Petra* n. 37 and 38. Finally, it should be noted that the right to retain the keys of the tabernacle pertains privately to the parish priest; and this is not to be permitted to nuns, nor to lay people, even on the feast day of the Lord's Supper, unless there is in some place an unforgettable custom, which Pignatellus considers to be tolerable, and testifies to being observed in Spain, and in the Kingdom of Sicily, and also in Naples; see *Petr.* ibid. n. 39 to 44. Furthermore, it should be noted from the decree of the Sacred Congregation of Rites dated September 15, 4737, found in Merat, that when administering Communion to nuns, the blessing with the pyx through the window is not to be given, but only with the right hand, even if the Sacrament is present there. Also, that the priest, descending from the altar with the pyx, should descend not by the side steps, but by the front steps. Furthermore, it should be noted that Pope Clement XIII ordered that the Preface of the Most Holy Trinity be said every Sunday in Mass, provided that the proper Preface for that day is not present.

[*Latin ed. p. 241*]

TREATISE IV. ON THE SACRAMENT OF PENANCE. CHAPTER I. ON THE ESSENCE OF THIS SACRAMENT. QUESTION I. What is its matter and form? 435 Concerning the matter and form of this sacrament. 436 An admonition to confessors. 437 Concerning the remote matter. Question 1. Are mortal sins committed after baptism the matter of this sacrament? Question 2. Are other sins confessed sufficient matter for this sacrament? 438 Concerning the form. Question I. Does the form of this sacrament consist in words, and can it be pronounced for an absent person? 439 And what moral disposition of the penitent is required? 440 Question II. What form is to be used in this sacrament? Question 1. In which words does the essence of the form consist? And is the word "te" necessary? Question 2. Are the words, "from your sins"? Question 3. Are the words "in the name of the Father, etc."? And are attached prayers necessary? Question 4. Can the priest, by the words "I absolve you," absolve simultaneously from sins and from censures? 441 Question III. Can absolution be granted validly and licitly under a condition? 442 Reasons for granting absolution under a condition. 425. — R ESP. 4. The remote and necessary matter is every mortal sin committed after baptism and not confessed. (It is said to be committed after baptism, contrary to proposition 19, among the condemned propositions by Alexander VIII, who asserted that perpetual penance was due for original sin.) The sufficient matter, although not necessary, is every venial sin committed after baptism, or even a mortal sin, otherwise rightly confessed. The immediate matter are the acts of the penitent: contrition,

confession, and satisfaction, of which the last is only integral, as is evident in the infirm, who, if lacking reason, is usually absolved without satisfaction; the two former are essential, as is commonly taught against Scotus, who places the entire essence in absolution. Furthermore, sins are only the matter concerning which, but the acts of the penitent are the matter from which. Laym. 1.5. t. 6. c. 3. according to the common opinion.

[*Latin ed. p. 242*]

Wherefore, the following conclusions are drawn: 1. Although a mortal sin, once forgiven in any manner, remains in the shadows, you must confess it if you have not done so. Council of Trent, Session 14, Chapter 5. It is possible to omit venial sins, or all sins, or some sins; likewise, mortal sins, once confessed properly, e.g., in general confession, as taught by Dionysius, Part 3, Volume 4, Response 56, and by Cardinal de Lugo, Book 16, Number 56, against Victor Ledesma and others. In this matter, it is also taught that it is not necessary to add to a mortal sin committed after the last confession, according to Bona, Book 5, Question 5, Section 2, Paragraph 2; Dionysius, Volume 2, Treatise 4, Response 62, and Volume 3, Response 65; and Cardinal de Lugo, Book 16, Section 2, Number 47, citing Sanchez and the Council, which is probable: unless some circumstance, e.g., a change in appearance, or a reservation of chastity, or a near occasion of sin, requires otherwise, and a sufficient penance is imposed. Cardinal de Lugo, *Tractatus de Expeditione Confessionis*, Book 2, Chapter 4. However, it is safer to distinguish between new sins and those of the past. There must always be a certain matter presented; which Sanchez denies in *Selectarum Disputationum*, Book 7, cited by Dionysius, Part 3, Volume 4, Response 52, namely, that one has not responded to divine inspirations, has not done good when able, and similar imperfections. However, the confessor is not obliged to prevent the penitent from mentioning these things, as taught by Cardinal de Lugo, *loc. cit.*, Number 403, against Sanchez. If a certain matter cannot be ascertained, absolution must be given according to the rule of doubt; thus, if the matter is entirely doubtful, absolution is given under doubt; or, if it appears certain, absolution is given absolutely. Thus, Suarez, Layman, Book 5, Volume 6, Chapter 3, and others, Common Response 2. The words of absolution are the form of the sacrament of penance: ”I absolve you from your sins, etc.”; although ”I absolve you” is sufficient in itself, the remaining words should be added, especially at the point of death, according to some, under a mortal sin; according to others, under a venial sin, as seen in Grander, under the word ”prolata” in the present work; for Pope Clement VIII forbade the absolution of an absent person, under pain of excommunication. Wherefore, the following conclusions are drawn: 1. It is invalid to absolve by intention, sign, or writing; likewise, it is invalid to absolve an absent person; which was taught by Alen, Medin, and others, but is now forbidden, as mentioned above. 2. Absolution is

valid if, for reasons of reverence, you say: "I absolve your Lordship, your Excellency, or your Majesty, etc.," because it does not change the essential meaning, and these are equivalent words. *Aversa*. See above, Treatise 4, Chapter 4, Division 2. However, it is not valid to say: "May God absolve you," or "May Christ absolve you." *Aversa*, Question 12, Section 2. 3. The prayers that precede and follow the form, such as "May mercy be upon you, etc.," and "The Passion of the Lord, etc.," which are commendably added according to the Council of Trent, are not necessary, and may be omitted for a reasonable cause, e.g.

[*Latin ed. p. 243*]

If the confessions are brief, or if there are many confessants, as is seen in Dian. p. 3. t. 4. r. 97, then it suffices to say: "I absolve you from your sins in the name, etc.," or, if there is fear of censure, "I absolve you from the bond of excommunication; then from your sins, etc." See Sa, v. Absolutio. 3. The elevation of the maniple, and its imposition upon the head, as well as the making of the cross, are free, although custom ought to be observed. Thus Laym. cap. 5., where he says the same concerning the opening of the head. The formula of Clement VIII, as transmitted by Sa, and the Roman Ritual, is this: which all ought to use, Paul V. urges, and therefore it ought to be remembered by all: "May Almighty God have mercy on you, and may He, having forgiven you your sins, lead you to eternal life, Amen." Then, raising his hand, he continues: "May the Almighty and merciful Lord grant you indulgence, absolution, and remission of sins, Amen. May our Lord Jesus Christ absolve you, and I, by His authority, absolve you from all bond of excommunication (which word is omitted concerning the laity), and from any interdict, as far as I am able, and as you need: then I absolve you from your sins, in the name of the Father, and of the Son, and of the Holy Spirit, Amen. The Passion of our Lord Jesus Christ, the merits of the Blessed Virgin, and of all the Saints, whatever good you have done and whatever evil you have suffered, may be for the remission of your sins, the increase of grace, and the reward of eternal life. Amen.

426. — Before proceeding with this sacrament of penance, which Christ the Lord instituted as a remedy for human weakness, I wish to remind the confessor, above all, to recognize his own roles, namely, that of judge, father, and physician, in order to diligently perform his office; for as excessive leniency fosters iniquity, so excessive severity is for many a path to despair. Hence, Christ the Lord declared that those who act with excessive rigor towards sinners are not of His spirit. And the Saints did not only condemn those who, led by false piety, unduly grant indulgence to sinners, but also those who apply undue rigor to the penitent, as St. Ambrose laments in Psalm 448, saying: "There are also among us those who have the fear of the Lord, but not according to knowledge, establishing harsher precepts, which human nature cannot endure." On this matter,

St. Bonaventure wisely observes: "Care must be taken with a conscience that is too lenient, and with one that is too strict; for the former generates presumption, the latter despair; the former often saves the one who is to be condemned, the latter, on the contrary, condemns the one who is to be saved." Indeed, Honorius III, in c. Ex parte de transact, said, all other things being equal, that in doubtful matters one should lean more towards leniency than towards rigor; for when the matter was being considered of how to proceed against certain individuals, some of whom were celebrating in forbidden churches, others were secretly receiving the Sacraments, etc., he said: "In these matters, concerning which no law is expressly found, one must proceed (maintaining equity)."

[*Latin ed. p. 244*]

Always incline towards the more humane approach, adapting according to what the individuals, causes, places, and times seem to require. I have no doubt that confessors who are excessively lenient have always caused greater harm in the Church, given that a large portion of people are inclined towards vice; but those who, through excessive strictness, deter penitents to such an extent that they either retain their sins, or, being so constrained by the yoke of discipline, reject it altogether, and then, with laxity, miserably plunge themselves into a den of vices, also impede the salvation of souls. Let us now address the task of explaining the sacrament of penance, to which, above all other matters, the utmost diligence must be devoted, since it contains the very essence of moral theology, and questions more closely related to practice are included therein; and therefore, I have not spared effort to satisfy the desires of the readers, so that they may find here all that is necessary for their knowledge.

427. — In this matter, let us first consider the matter and form of this sacrament. Regarding the matter, only two doubts occur to me, in addition to what Busembaum has said above.

Doubt 1: Are mortal sins committed during the very act of receiving baptism the matter of this sacrament? It is commonly affirmed by Suarez, Disputationes, 28, conclusion 4; Holzapfel, number 454; Escobar, book 14, number 48, with Vasquez and Henry Salm, *De Sacramento Poenitentiae*, chapter 4, page 4, number 15; and Elbel, number 8, with St. Bonaventure, *Margarita*, etc., from *Doctor Thomae*, 3, question 69, article 10, and from St. Augustine, as cited in canon Tunc valere 42, *de consecr.*, dist. 3, where he says: "Baptism begins to be efficacious for salvation when that fiction has been removed by true confession." The reason given is that these sins, although temporally simultaneous with baptism, are nevertheless, in nature, subsequent to it. The authorities are aware of this, but the reason they give does not seem convincing, at least it only seems to apply to sins that the one receiving baptism might commit after baptism, but not to the sin of hypocrisy, namely, if he were to receive baptism while still in a state

of mortal sin without sorrow. Furthermore, *Doctor Thomae* does not say that the sin of hypocrisy is the matter of the sacrament of penance, but only that it is removed through penance; and, indeed, St. Thomas does not mean confession, but sorrow for sin. Nor does the text of St. Augustine contradict this, for, as the Glossa explains, by "true confession" he understands the contrition of the heart.

Doubt 2: Are sins already confessed the sufficient matter of this sacrament? The doubt could be raised because it seems that a sin already forgiven cannot be the matter of the sacrament of penance, since the guilt, once removed, cannot be further removed. However, the affirmative opinion is certain among all, as taught by *Doctor Thomae* in 4, distinct 17, question 3, article 3, and distinct 18, question 4, article 3, which are commonly followed by Suarez, 3, part 1, disputation 18, section 4; Palause, treatise 23, chapter 1, page 6, number 5, with Layman and Salm, ibid., page 2, number 22, with Conciliarius Fillius and others, passim. And it is clearly evident from Extravagant 1, *de primis...*

[*Latin ed. p. 245*]

VII. Among all. §. Indeed, at the end, where Benedict XI says: "Although it is not necessary to confess the same sins again, yet, so that the confession of those same sins may be repeated, we consider it salutary." And this is confirmed by the common practice of the faithful. It does not hinder to say that a sin forgiven is no longer a sin; for a sin, if remitted, is always a sin committed; it suffices that the sacrament have its effect in the first act, namely, that it confers the grace of the remission of sin, although, by accident, in the second act, sin may not be remitted. 428. — Regarding the form of this sacrament, several questions must be discussed. The first question is: Does the form of this sacrament essentially consist in words? The answer is: Affirmatively, since the form can be expressed only by words, and not by writing or other signs; this is the common and certain opinion of all, as stated by St. Thomas, 3rd part, question 84, article 3, ad 3, which is followed by Layman, tractate 6, chapter 3; Lugo, book 43, section 6; Bonaventure, question 5, page 6; Elbel, number 27; and Salm, treatise 6, chapter 3, page 5, number 30, along with Cajetan, Suarez, Valois, and others, throughout. From these words, Salm rightly infers, ibid., page 4, number 25, that absolution given to an absent person is not only illicitly given, but also invalidly given; for if the Pope only intended to declare that such absolution was illicit, it could sometimes be validly and licitly given, in cases of urgent necessity, since ecclesiastical laws cannot obligate with grievous harm, and especially if it is a spiritual matter. Therefore, if the Pope wanted such absolution to be not licit in any case, he consequently declared that it is not valid in any case. Paul V, on July 14, 1605, furthermore condemned the interpretation of some regarding the aforementioned decree, who said that absolution could be conferred upon an absent person, provided that confession had preceded

in the presence of the confessor; for he explained that the bull of Clement must be understood disjunctively, not conjunctively. 429. — Therefore, it is required that the form be pronounced by the confessor's voice, and that the penitent be morally present at that time. This moral presence is understood to be that within which people can and do commonly speak to each other, as stated by Sporer, number 640; Tamborini, book 5, on the sacrament of penance, chapter 2, number 44; Holzmüller, number 573; and Dict., Elbel, number 29, who, along with Sporer and others, adds that such presence can extend to about 20 paces, especially when the penitent has not yet left the sight of the confessor. Sporer rightly points out, number 645, with Regner and Gobel.

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It is necessary to recall the penitent when it can conveniently be done. However, according to the opinions of Gobius and Bonacich, the penitent who has left the confessional should be absolved without scruple, if it is certainly known that he is still within a few steps. Tamburrino, however, rightly disapproves of Leander, who says that it is sufficient for moral presence if the priest sees the penitent, or perceives him in some other way; for presence requires a closer proximity for absolution than for hearing a sermon or Mass. Therefore, Tamburrino, no. 43, states that if someone could only be absolved from a distance, for example, if he were falling from a roof, then absolution should be given conditionally. Holzmüller, ibid., states that if the confessor, due to the danger of infection, or for some other reason, cannot enter the room where the sick person is, he can absolve him from the doorway. Sporer, no. 610, Croiæ, no. 1201, Elbel, in his work, and Stoz rightly point out that it is not necessary for the penitent to hear the words of absolution, and even less that he understand them; it is sufficient that the priest truly pronounce those words. Indeed, Croiæ wisely says that it is advisable to say these words in a subdued voice in the presence of other penitents, so that if someone is dismissed without absolution, the others do not realize it. Tamburrino also rightly states that the penitent can be absolved who has previously written down his sins, and then says to the present confessor, "I accuse myself of these things." However, Salm, in his work on penance, chapter 7, page 2, no. 11, with Cano, Palafox, Vasquez, and others, states that this is not permitted, unless for a serious reason, namely, if someone, due to a sore throat, a speech impediment, or if a girl is excessively shy and finds it very difficult to explain her sins verbally. Holzmüller, no. 558, and Sporer, no. 488, give the reason that although confession is not required by law to be made verbally, since the custom of confessing in this way is accepted by the Church, this custom now has the force of a precept, and therefore, without a serious reason, it would be an illicit confession to be made in another way.

430. — Question II. What form should be used in this sacrament? Many

serious authors hold that the Church formerly used a deprecatory form (Absolve te Deus) until the middle of the 13th century, and that this is still in use among the Greeks; thus, Tournhem, *Pral. theol. de pænit.*, question 9, article 4, conclusion 3; Martene, *Vitass.*, apud Concini, *de pænit.*, vol. 9, page 579. But Baronius, Gonet, and Nicolai deny this, as mentioned by Concini. Indeed, most of our moral theologians, Suarez, Soto, Lugo, Cajetan, Vasquez, Valdés, and many others, with Salm, in his work on penance, chapter 3, page 2, no. 47, and Croiæ, book 6, page 2, no. 639, believe that the deprecatory form is invalid, because Christ the Lord, when instituting this sacrament (John 20:23), expressed that a statement should be made by the priest as a judge, saying: "Whose sins you shall forgive, they are forgiven them." Therefore, it seems necessary that the sins be remitted by the priests themselves, as Christ's vicars, and that it is not sufficient that they pray that God remit them. But whatever may be the case with this,

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Today, it is certain, and it is a matter of faith, that the proper form is the indicative form, as declared by the Council of Trent, Session 14, Chapter 3, with these words: "The Holy Council teaches that the form of the sacrament of penance, in which its essence is chiefly contained, is found in these words of the minister: 'I absolve you,' etc., to which certain laudable prayers are commendably added by the custom of the Holy Church." However, several doubts arise concerning this form.

1. In which words does this form consist? It is certain to all that the words "I absolve you" pertain to the essence of the form. But Lugo, in *De Pænitentia*, d. 13, n. 26, and Wigand, *Tractatus*, 13, q. 3, res. 2, hold that if one were to say, "I absolve you from your sins," it is not necessary for the essence of the form that the word "you" be included, since this is sufficiently expressed in the word "your sins." However, this opinion is commonly contradicted by Suarez, *De Pænitentia*, d. 19, sect. 1, n. 17; Bona, q. 4, p. 4, nu. 4; Holzmüller, n. 482; Concina, t. 9, p. 580, n. 5; and Palafox, *Tractatus*, 23, d. un., p. 5, n. 2, along with Vasquez. Speculatively speaking, the first opinion appears more probable based on reason; but because the second opinion is also probable, at least due to the authority of the Doctors, it must be followed in practice, according to the 4th proposition condemned by Innocent XI.

2. Is it necessary, when saying "I absolve you," to include the words "from your sins"? Many deny this, as stated by P. Milante in proposition I, condemned by Innocent XI, Con. p. 580, n. 5; Holzmüller, n. 482; Roncaglia, *De Pænitentia*, c. 2, q. 3; Sporer, *Ibid.*, p. 244, n. 544; Palafox, p. 5, n. 2; and Lugo, d. 13, nu. 17, along with St. Antoninus, Sylvestri, Cajetan, Navar, etc., from *Doctor Thomae*, 3, p. q. 84, art. 3, and the Roman Catechism, p. 2, n. 14, where it is said: "The form is: 'I absolve you,' and nothing else is added there." However, all these Doctors state that, although "from your

sins" is not necessary for the essence of the form, omitting these words is a mortal sin, because it is contrary to the custom of the Church. Others maintain that these words do pertain to the essence, because, since Christ said, "Whose sins you remit, they are remitted," just as it must be understood that "whose" refers to "you," so it must be understood that "sins" refers to "from sins," as stated by Croxat, n. 633, along with Major, Pasquius, and Mazzotta, *De Pænitentia*, t. 3, p. 561, along with Gabr., Aversa, Gorm, etc.; also Paludanus, Soto, and Gabr., *apud* Salmeron, *De Pænitentia*, c. 3, p. 4, n. 4. They do not object that the words "I absolve you" can sufficiently indicate the absolution from sins based on the circumstances; for if this were the case, the word "you" could still be omitted, since it is sufficiently understood from the circumstances. The first opinion is more probable, but in practice, one must not depart from the second, since it is also probable, as well noted by Elbel, *De Pænitentia*, n. 25; Salmeron, *Ibid.*, n. 2; Holzmüller; and Roncaglia, *Loc. Cit.*

3. Are the words "in the name of the Father, etc." of the essence? Some affirm this, such as Durand and Major, *apud* Lugo, d. 13, n. 14. But the common and true opinion denies this, because Christ made no mention of this invocation of the Holy Trinity in the institution of this sacrament, as He did in the sacrament of baptism, as stated by Lugo, nu. 12 (who states the opposite from...).

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Roncag. c. 2, q. 3; Bon. p. 1, n. 2, citing Conc. Vasq., Suar., etc.; Croiœ n. 629, citing Arriaga, Bosco, and Salm., ibid. n. 3, citing Soto, Nav., and Cajet. Roncag. and Gran., as cited in Croiœ, n. 637, believe this omission to be mortal; others, such as Soto and Val., as cited in Bon. l.c., believe that there is no sin, provided scandal and contempt are absent; but this opinion does not seem sufficiently probable, since such an invocation is customary in the Church. Therefore, others, almost universally, say that it is only venial, as Bon. l.c.; Elbel n. 26 (who says it is quite common); Pal. p. 5, n. 3; Salm. tr. 6, c. 3, p. 1, n. 3; Platell., Bosco, and others, as cited in Croiœ dict. n. 637, who absolutely asserts that it is common. The words "Dominus Jesus Christus, etc.," the Council (1), p. 584, n. 10, believes cannot be omitted without fault; the words "Misereatur, Indulgentiam, and Passio Domini nostri, etc.," it says can be omitted; and this seems to be favored by the Roman Ritual (tit. de forma absol.), which says: "In more frequent confessions, it is permissible to omit 'Misereatur,' etc., and it will suffice to say, 'Dominus noster Jesus Christus, etc.,' up to 'Passio, etc.'" But in the case of some grave necessity, in danger of death, one can briefly say: "I absolve you from all censures and sins, in the name of the Father, etc." But commonly, Doctors say that all these prayers can be omitted without any sin; thus Lugo d. 13, n. 9, citing Nav., Holzm. p. 494, citing Spor.; Viva de pœnit. q. 7, art. 4, n. 3; Mazzottat. 3, p. 463; also Sa, Bosco, Dicast., and Gob., as cited in

Croicæ n. 638. This seems more true, since the Council of Trent, in its decree of the 14th session, o. 3, says that these prayers are only laudably added, since the word "laudably" certainly does not imply a precept. Nevertheless, no one doubts that it is more fitting, at least in longer confessions, to add such prayers: especially those that follow: "Passio Domini, etc.," since it is probable, as St. Thomas, St. Antoninus, and others say, as we will say below when speaking of satisfaction, that through those words all the good works of the penitent are raised to sacramental satisfaction; at least Holzm. advises that those words be said as the penitent departs. Question 4: Can a priest validly absolve a penitent, both from sins and from censures, through the words "I absolve you"? Commonly, Pal. p. 5; Bon. p. 4, n. 10; Roncag. c. 2, q. 3; Salm. loc. cit. n. 44; Viva q. 7, art. 1, n. 3; Holzm. n. 482, affirm this. The reason is that nothing prevents those words, by the intention of the priest, from being directed to absolution, both from censures and from sins. However, Roncaglia and Salm. tr. 6, c. 3, p. 1, n. 11, at the end, citing Gran. and Leand., and also Soto, Ceninchius, and Avila, rightly point out that it is not excused from venial sin, since it is contrary to the custom of the Church. Holzm. n. 494 (4) says, "And not without reason." Hem. Ap. tr. 16, n. 5.

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And the learned doctors, along with Granc, entirely excuse this practice, provided that there is no probable suspicion that the penitent has incurred any censure. Moreover, it is rightly stated by Father Concina, page 618, number 9: Can a priest sin mortally by absolving a penitent from sins, when he intends to absolve him first from sins, and then from censures, contrary to the prohibition of the Church? Although it is a commonly held opinion that a penitent can validly be absolved (if he is in good faith) from sins without a prior absolution from censures, as taught by Suarez, volume 4, on ecclesiastical matters, chapter 31, section 3, number 6; Sanchez, Decrees, book 2, chapter 8, number 5; Lugo, book 14, number 102; and Salm, cited above, number 14. The reason is that the prohibition of the Church cannot invalidate the sacrament, the value of which depends on divine law, since all that is essential for it are present.

431. — Question III: Can absolution be validly and licitly given under a condition? As we stated in book 6, treatise 1, on sacraments in general, number 26, all agree that absolution given under a condition, whether of the past or present, is indeed valid. Conversely, the doctors commonly state that it is invalid if the condition is of the future; and this is so even if one were to say, "I absolve you, if God knows that you will make restitution," or something similar, as we noted in number 26 above. The difficulty lies in whether it is licit to absolve under a condition of the past or present. Answer: Affirmatively, in agreement with the common opinion of the doctors, according to the opinion cited above, number 28, provided that there is a

just cause; namely, if, without absolution, a notable detriment would befall the soul of the penitent.

432. — The just causes, according to the doctors cited below, seem to be these: I. If the priest prudently doubts whether he should absolve or not, as Lugo states, book 13, number 407; Croia, book 6, page 2, number 1770; Sporer, number 622; Ronc, on sacraments, chapter 4, question 6, response 3; Bonini, on penance, page 3, number 1, with Suarez, Philippi, Molfetta, Rega, and Salm, on penance, chapter 3, page 3, number 22, with Vasquez, Graff, and Dicena, etc. II. If the confessor doubts whether he has jurisdiction over the penitent, as Sporer states, number 622. But I would not admit this, unless the penitent were to be deprived of absolution for a long time. And in this case, I believe that the confessor is obligated to inform the penitent who has confessed mortal sins to him, that he is absolved only under a condition, so that if it later becomes clear that the confessor truly lacked jurisdiction, the penitent should confess those sins again, as he should. III. If there is an urgent need to receive the Eucharist, as Mazzotta and Sporer state, etc. But it should be noted in passing that, although someone might be absolved under a condition in such a necessity, because such a necessity provides a sufficient reason to con- (1) "But I believe this is not to be admitted, since the penitent would be deprived of absolution during a time of mortal sin and other evils." Furthermore, this should be understood only in a doubt of fact; for if the jurisdiction is positively doubtful by law, then it is, if it is probable because of the authority of the doctors, that absolution can be conferred absolutely, for then the Church provides, always and with a grave reason. Thus, St. Alphonsus in *Homo Apostolicus*, treatise 16, number 6. See below, numbers 574, 872, 873, 901, 902.

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The penitent may be absolved conditionally; however, the penitent cannot approach Holy Communion unless he is certainly disposed to do so (or, at least, probably so, as others will cite below, n. 475). This is to observe the Apostle's precept that all who approach must be proven worthy. Therefore, in a negative doubt concerning his disposition, no one can receive Holy Communion (1).

IV. If one doubts whether the penitent is truly disposed through genuine sorrow and purpose, as Sporer states in his work, Mazzotta, volume 3, page 468, and Palazzolo, page 5, note 9, along with Vasquez and others. However, I cannot fully agree with this generally accepted doctrine, for I say:

1. It is not possible to absolve conditionally a recidivist in mortal sins who is not proven to be disposed by extraordinary signs, as we will say below, n. 459, unless he is in danger of death; or unless (Schilder, in Croia, volume 6, page 1, note 410, makes this exception) it is prudently feared that the sinner will not return to confession and will perish in his sins.

2. The same must be said of a recidivist in venial sins who has sufficient

use of reason, because, since the confessor can quickly ascertain the penitent's disposition through evidence of amendment by delaying absolution, there does not seem to be a sufficient reason to absolve him conditionally.

3. It is probable that a child or a semi-imbecile can be absolved conditionally when there is doubt about their disposition; indeed, if the danger of death or the Paschal precept is pressing, the Doctors commonly say, as Lessius states in *Auctor ad Confessores*, chapter 6, Lugdunum, decree 17, number 22, and elsewhere, that such individuals should be absolved conditionally if they are doubtful in their disposition, especially if they have confessed.

(1) "Here, it must be distinguished and considered," says St. Alphonsus (recalling what he wrote in the first edition of *Moral Theology*, book 1, chapter 16, note 6), "whether the doubt is about the action of the sin or about the confession of a sin already committed, because if the penitent is certain that he has committed a grave sin and his disposition is doubtful, he cannot receive Holy Communion, even if he has been conditionally absolved, and if he cannot receive Holy Communion, he cannot even be conditionally absolved; for then the necessary reason for receiving Holy Communion is lacking, in order to be conditionally absolved."

And in *Homo Apostolicus*, book 3, chapter 15, note 34, St. Alphonsus answers the question: "Can one who doubts whether he is in the state of grace receive Holy Communion?" St. Alphonsus answers: "If someone doubts whether he has committed a grave sin or not, then he can licitly approach Holy Communion without confession, whether the doubt is negative or positive (provided he prepares himself by contrition), because the Apostle's precept: 'Let a man prove himself,' by which is understood the precept of confession, binds only those who are conscious, that is, those who certainly know that they have committed a mortal sin of which they have not yet confessed, as the Council of Trent declares in session 13, chapter 7, saying: 'No one who is conscious of a mortal sin should approach the Eucharist. Therefore, the precept of prohibition does not begin to apply until a person is conscious of his sin. On the contrary, if one is certain of the sin committed, he cannot receive Holy Communion unless he is certain that he has been proven worthy through confession, because then he certainly possesses the precept of prohibition; therefore, one who has a negative or positive doubt about whether he has recovered the grace lost (e.g., when he doubts whether his confession was valid due to a defect in disposition or jurisdiction, or if he doubts about contrition in a case of necessity for receiving Holy Communion), cannot receive Holy Communion; because then he acts against the precept that requires proof not only probable, but also certain, as was the certain sin."

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There may be some mortal doubt, in which case, as Lugo states, it does

not seem that one should hesitate about this. And I believe this should be said definitively (contrary to Lessius), even outside of the time of mortal sin or a precept, as Spor. n. 622, Mazz. vol. 3, p. 568, and Laym. ch. 5, n. 7, more truly say. They state that absolution can be given conditionally, at least with the intention retained; in that case, not only is there a just cause of utility, so that the penitent is not deprived of the sacramental grace, but also a cause of necessity, lest he should remain in mortal sin. However, others, endowed with the use of reason, should not be absolved, when there is doubt about their disposition, because there is a way and a hope that, with a prolonged absolution, they will certainly become disposed and be absolved. But with regard to these semi-delirious individuals and children, who are not yet perfectly capable of reason, this way and hope is lacking, that they will certainly bring about this disposition in a short time. Indeed, it is not improbable that Sporer, Mazz., loc. cit., and Gob. Dian. and Schild, in Croia n. 1797, say that such children can be absolved conditionally, even if they confess only minor sins, so that they are not long deprived of sacramental grace, and so that they do not remain in mortal sin, if they happen to be in it, as Lugo says in the aforementioned passage, p. 4. I say that it is probable that a pious penitent, who confesses only some imperfections about which there is doubt as to whether they pertain to venial sins, can be absolved conditionally (as Bon. p. 3, n. 1, believes). However, I would not admit this frequently (4), nor if he could provide certain information about his past life. Furthermore, when the penitent does not provide certain information, the confessor is not obliged to seek it out in order to absolve him; and in the case where he has sought it out and has not found certain information, Spor. n. 56, says that he is not obliged to absolve conditionally, because the penitent then has no certain right to that absolution, when he does not provide certain information, or at least information that is doubtfully necessary.

DOUBT II. WHAT KIND OF CONTRITION IS REQUIRED? 433 See what is found in Busemb. on sorrow and purpose.

IF... Regarding questions pertaining to sorrow. 433 What is penance as a virtue? And what as a sacrament? 433 Q. I. Does contrition consist in sorrow, or in detestation? 434 Q. II. For what reason should contrition be elicited? 437 Q. III. When does the precept of contrition obligate?

Doubt 1. Does it obligate outside of mortal danger? And is its delay a special sin?

Doubt 2. Does he who is in (1) "However, I would not admit this, unless once a month" S. Alph. in Hom. Ap. tr. 16, n. 6. Edit.

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Article on death, confessed with attrition, should one then strive to elicit perfect contrition? Question 3. Does the precept of contrition obligate on feast days? 438 Question IV. Are individual acts of contrition required for

individual sins for justification? 439 Question V. Are explicit acts of faith and hope required in confession? 440 Question VI. Is attrition sufficient in the sacrament without predominant love? 441 Does any act of contrition cleanse sin outside the sacrament? And can sin coexist with predominant charity, if it has been forgiven? Objections are answered, where it is shown that an initial love can be concluded in attrition. 443 Question VII. Is attrition based solely on the fear of temporal punishments sufficient? 444 Question VIII. Can the sacrament of penance ever be valid and imperfect? 445 Question IX. Should sorrow precede confession? 446 Question X. For how long must the act of sorrow last mortally? 447 Question XI. Should the penitent strive to elicit an act of sorrow with the intention of confessing? 448 Question XII. If a person is absolved of sin immediately after absolution, are they obligated to elicit a new act of sorrow? 449 Question XIII. How should sorrow be elicited in the confession of venial sins? Doubt 1. Is it mortal to confess venial sins without any sorrow? Doubt 2. Is it sufficient in the confession of venial sins to be sorrowful about one sin and not another? Is it sufficient to be sorrowful about the frequency [of sins]? SII. Regarding questions pertinent to the matter. 450 Question I. Is a virtuous or implicit purpose sufficient? 451 Question II. What are the conditions required for a true purpose? And they are: I. That it be firm. What if the penitent believes they will certainly relapse? II. That it be universal. Is a universal purpose regarding mortal sins required? III. That it be efficacious. 452 Question III. How should the confessor act with those who are in occasions of sin? Doubt 1. How great is the occasion, and how great is the danger of sinning? And which occasions should be avoided? 453 Doubt 2. Can someone be absolved who does not want to remove a probable occasion of sin? 454 Doubt 3. Can someone who is in a proximate voluntary occasion of sin be absolved once or again? 455 Doubt 4. Can those who are in a proximate necessary occasion of sin be absolved, especially for the sake of their art or profession? The decision to be held regarding absolution in these cases. 457 Doubt 5. Can someone who is in a necessary occasion, and for whom remedies are still available, be absolved again in the same way [as before]? The teaching of St. Charles Borromeo is noted. 459 Question IV. How should the confessor act with those who are habitual sinners due to intrinsic weakness, and how with those who relapse? Can a relapsed person be absolved multiple times without extraordinary signs? 460 What are the extraordinary signs? 461 What certainty of the penitent's disposition is sufficient for absolution? 462 Is it permissible to postpone the absolution of a penitent who is disposed without their consent? 463 Is it advisable, or not, to postpone absolution more often? 464 Why is it better to postpone absolution for those who are in an extrinsic occasion, and not for those who relapse due to intrinsic weakness? 433. — I SUPPOSE that contrition, in general, is sorrow and detestation of the sin committed, with the purpose of amendment, as the

theologians say.

[*Latin ed. p. 253*]

"Council of Trent, Session 14. It divides contrition into perfect contrition, which is defined absolutely as such; and into imperfect contrition, which is called attrition. Perfect contrition is that which arises from the motive of charity, for the sake of God supremely loved; and this, by itself, immediately justifies, even with a vow, and in order to confession, which must then be made. Imperfect contrition is that which arises from a lower motive, although still supernatural. In this sacrament, it suffices, and it is required at least a formal, supernatural, efficacious, and universal attrition, with respect to mortal sins, conceived in order to confession, or at least absolution. This is the common opinion. See Bonaventure, *Doctor Divinus*, Dist. 5, Q. 5, and Schol., and it is gathered from the Council of Trent, Decree on Penance, Ch. 4, Resolves. 4. Contrition that is merely estimated is not required, as Gabrel has it, 2. It is not sufficient, 4. Merely estimated attrition, even if without culpability, is not sufficient, because true contrition is an essential part. 2. Neither is the desire for absolution, without sorrow for sins; and this, even if you confess only venial sins, as the common opinion holds against Angles and others, whom Tamburrini follows, *Lectio Quarta de Confessione*, Ch. 3. See Dionysius, *Opera*, p. 9, vol. 9, r. 34. Therefore, he sins gravely who, even when confessing only venial or only mortal sins, confesses without any formal sorrow, because he does not provide the matter of the sacrament, and at least exposes himself to the danger of sacrilege. Thus, Cardinal de Lugo, *Theologia Moralis*, Dist. 44, Sect. 8, etc., and the common opinion. See Dionysius, *Opera*, p. 3, vol. 4, r. 446. Bonaventure, *Doctor Divinus*, Dist. 5, Q. 3, Sect. 4, p. 3. However, it is not necessary that the sorrow extend to all venial sins of which the penitent is conscious. Suarez, Layman, Lugo. Indeed, Tamburrini, *Lectio Quarta de Confessione*, Ch. 3, notes that it is sufficient to feel formal sorrow for one venial sin, even if you are conscious of many of which you have neither sorrow nor intention of amendment, whether you confess them or not. 3. He is not absolved who feels sorrow, even most intensely, only because of infamy, damages, or other temporal punishments, even if from innocent ignorance, because it is not supernatural sorrow; nor can ignorance or good faith supply the essential defect. Bonaventure, *Doctor Divinus*, Dist. 5, Q. 5, etc. However, Regius, with Tamburrini, *Lectio Quarta de Confessione*, Dist. 4, Ch. 4, limits this, saying that unless you are sorrowful because of these things, as if inflicted or to be inflicted by God. 4. No intensity or duration of time is required for attrition, as Durand believes. 5. Although it must be for all mortal sins, it is not necessary to have individual sorrows for each individual sin, as Angles believes; but one act of sorrow for all taken together is sufficient, even if forgotten; therefore, he sins gravely who, knowing and being prudent, does not feel universal sorrow for all mortal

sins not yet remitted. Bonaventure, *Doctor Divinus*, Dist. 5, Q. 5, etc. 6. It is not sufficient to feel sorrow if you do not feel sorrow, as Navar believes."

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Therefore, neither does he will to avoid sinning. The reason for both is that there is no sorrow for the sins committed, with which an inclination to those sins can exist. Henry Vasquez, *Bonorum Locutionum*, n. 7. Where he rightly notes that, with the act by which one sorrows, it is usually joined a sorrow for sins, even though the penitent may not recognize it as such.

7. Although this sorrow ought to be of the highest degree, so that nothing is more detested than sin, and all the evils of this world are preferred to the perpetration of mortal sin; nevertheless, it is not necessary, indeed it is harmful, to make particular comparisons: for example, "I would rather suffer this, or that evil, than to commit mortal sin"; because such comparisons are dangerous. (And this is common among all, with St. Thomas, Bonaventure, etc., as found in Crocia, n. 731, namely, that it does not behoove to make an explicit comparison between sin and other evils, in order to determine, rather than sin, to choose these evils in particular; and much less to choose hell, because, according to the present providence of God, since hell is destined for those who are firmly established in sin through eternal hatred of God, it would be incongruous for a man, in order to avoid sin, to choose hell, in which he could not remain without sin.)

8. He who does not wish to remove from himself the proximate occasions of sin, or does not sincerely detest, or does not make restitution, or does not satisfy those to whom he owes, or does not have a formal (although, with Lugo, *locus citatus*, section 5, and Laym., *Diana*, some say that a virtual intention included in universal contrition suffices, at least when the thought of the sins committed does not arise), an effective intention to avoid mortal sins (when he confesses such sins), that is, with whom there cannot be an actual inclination towards any mortal sin, is not sufficiently contrite. The reason is that there is no effective sorrow and detestation, since with it the will to sin can exist, nor does he convert himself from the whole heart to God, detesting sin above all that is detestable. Suarez, *Fernando*, *locus citatus*, book 5, treatise 6, chapter 4; Laym., *Diana*, page 3, volume 4, part 4, number 449, etc., common. And although you confess only venial sins, you must nevertheless, just as you have sorrow, so also have an intention, at least virtual, concerning them. Card. de Lugo, *locus citatus*, sections 8 and 9, and others.

9. To return frequently to the same mortal sin is not always a certain indication of a lack of attrition, although it is a strong presumption, especially in those who are compelled to confess by parents, teachers, etc.; also, in those who, after being warned, do not separate themselves from their concubine, or do not make restitution, for whom absolution should be deferred, unless they actually do so. Although there may be other signs of true

sorrow, for example, if the aforementioned means have been employed, if the occasions of sin are removed, if the number of sins is diminished, if the penitent most sincerely affirms it, to whom one should usually give credence, since he is both the accuser, the defender, and the witness; in this matter, great prudence is required of the confessor, lest he deter the penitent with severity.

[*Latin ed. p. 255*]

"And that she may seduce with gentleness, and sin, and perish with him." Suarez, book 3, part 2, section 32, chapter 2. Sanchez, book 2, chapter 32, and book 3, chapter 5. Cardinal de Lugo, book, number 166 and 169. Contrary to the common opinion of these authors, and others, Vivaldus and John Sancius, in their work, number 10, paragraph 16, teach that one can be absolved as many times as one confesses, even if no progress appears; because without it, a true intention may be present, as is the case with those who always offer penance. However, I do not dare to prove this, (because of propositions 60 and 61, recently condemned by Innocent XI), nor does it seem to be a sound reason. See Concini, book 2, book 14. Diaz, page 4, volume 7, response 55, and page 2, volume 2, mixed, response 45, and page 3, volume 4, number 10. Those are to be absolved who, out of duty, from their home, or from their business, where the danger of sin is imminent, do not wish to leave, because they cannot do so without great difficulty, and are prepared to use the prescribed means in the meantime. The reason is that an opportunity, even a close one, does not necessitate sin, and therefore one can remain with the intention of avoiding sin. Nor does it matter if someone believes, or fears that they will not avoid one or more sins: because the intention is an act of the will; but that estimation is an act of the intellect, which does not necessarily follow from that intention, due to the mutability of human will. In the meantime, whoever is certain that it is impossible for them to avoid sins in such an opportunity, should leave it, unless they wish to perish. Thus, Laym, book, Lugo, book, number 152, 44. Sensible sorrow is not required; intellectual sorrow is sufficient; and since it is internal and spiritual, scrupulous individuals should not easily be distressed, as if they were approaching the sacrament without sorrow, because they do not feel it. 42. He who, without thinking about confession, elicits contrition, not referring it to the sacrament, cannot approach it without new sorrow, because part of it must be referred to the sacrament. Thus, Suarez, book 20, section 4. Bonaventure, book 5, question 3, page 2. However, Cardinal de Lugo, book 14, section 4, number 37, seems to teach the contrary, which is not improbable. Tambini, book 1, chapter 2, 43. Sorrow that follows absolution is not sufficient for the sacrament; indeed, according to the opinion of Laym, book 5, volume 6, chapter 4, and Concini, it should even precede confession, although Vasquez, Fillon, Fagius, Cardinal de Lugo on penance, book 14, section 2, and Gaspar Hurtado,

book 6, difference 5, teach the contrary, even probably, as cited by Diaz and Escobar, volume 7, response 6. Therefore, at the beginning, to excite sorrow in the penitent, or if it occurs after the narration of sins, they should repeat the confession verbally, saying that they are sorrowful for the sins confessed. See Laym, book, number 14. It is probable that he who confessed a little while ago confesses again.

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Or, the same sins, or those which previously (explicitly and in particular) did not cause sorrow, may not necessarily elicit a new sorrow. Card. da Lugo, d. 14, sect. 3. *Dianoi*, p. 9, t. 3, r. 50 and 54, and following. And it is possible that a dying person, because of the imminent danger of death, may be absolved after hearing only one or another sin, and then, if he survives, he may be repeatedly absolved with the remaining sins, by virtue of the preceding sorrow. Tamb. Here, several questions of great importance to practice arise, both concerning sorrow and concerning the purpose required in confession; therefore, it is necessary to discuss them distinctly. § I. Concerning questions about sorrow. 434. — First of all, it must be noted that penance is taken in two senses; namely, as a virtue, and as a sacrament. As a virtue, it is defined as: "The virtue tending to the destruction of sin, in so far as it is an offense to God, through the means of sorrow and satisfaction." As a sacrament, it is defined as: "The sacrament consisting of the actions of the penitent, and of the priest legitimately absolving in the manner of a judgment." Penance, as a virtue, has always been necessary for salvation; but in the evangelical law, as a sacrament, it is also, by a necessary means, necessary for all who have fallen into mortal sin after baptism, at least in intention, if the sacrament cannot be received in reality. 435. — Question I. Does contrition consist in sorrow, or in detestation? Some say that it consists in sorrow, which presupposes detestation, as Gonet, d. 7, n. 6, etc., is quoted by Croia, l. 6, p. 2, n. 657. Others, however, say that it consists in detestation, which is followed by sorrow; and this opinion is quite common and seems more true, as Suarez, *de pænit.*, d. 4, sect. 4, n. 7, Sporer, n. 67, Holzm, n. 493, and Nav. Caj. Reg. Gob., are quoted by Croia, l.c., from *D. Th.*, 3, p. q. 87, art. 1, where it is taught: "It is required for remission that a man actually detest the sin he has committed." The reason is, because sorrow is not the cause of detestation, but detestation is the cause of sorrow; and sorrow is useful because it proceeds from the detestation of sin, which is principally the abolition of guilt, since it is the will not to sin. Furthermore, as Frassen, t. 10, p. 529, with Vega, and Holzm, Sporer, and Croia, *loco cit.*, with Con., rightly say, there is no doubt that both sorrow and detestation are required in contrition, and that in reality one contains the other; for he who detests his sin necessarily sorrows over it; and conversely, he who sorrows over sin necessarily detests it. 436. — Question II. For what reason should the act of perfect contrition be elicited?

The first opinion, held by many, says that it can be elicited from the motive of...

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Any offense against the divine attributes, such as justice, wisdom, mercy, etc., is worthy of blame. This is a probable opinion, as stated by Suarez, 2nd part, 2nd section, number 13, and Lugo, 5th book, number 4. The reason is that he who loves divine justice, or mercy, for the sake of God, already loves God, since divine mercy and justice are God Himself; therefore, he who grieves over sin because of the offense to God's mercy, or justice, grieves not merely from the motive of concupiscence, but for God's sake. The second opinion, which is common and more probable, and which is held by Suarez, loc. cit., Vasquez, question 85, article 2, number 45 (who calls the opposite opinion erroneous), and Croix, number 722, along with Arriaga, Dictionary, and others, teaches that contrition must always proceed from the sole motive of charity; namely, from the offense to divine goodness, insofar as this encompasses all of God's perfections. The reason is that, according to the Council of Trent, Session 14, chapter 4, contrition must be perfect charity, that is, informed charity; and, as commonly taught by Doctors, and as we have said in book 3, number 24, see "Object," the object of charity is God insofar as He is infinite goodness, namely, the root and aggregation of all perfections.

Question III: When does the precept of contrition obligate? In itself, it is certain among all that it obligates at the point of death; see Salm, on penance, chapter 1, page 5, number 34, and others. Accidentally, Doctors commonly say that it obligates:

I. When someone is in a state of mortal sin and must administer the sacraments, or receive a sacrament for the living, as Bonaventure states, 5th book, question 5, session 1, page 2, with Vasquez, Vallet, and Fillon, and Salm, ibid., number 34, with Paleari and Layman, etc., commonly.

II. When someone suffers grave temptations, which he believes he cannot avoid, unless he elicits an act of contrition. Layman, chapter 2, number 4, and Salm, ibid., number 32, with Cano, Paleari, Fillion, Medrano, etc.

III. When someone is obligated to elicit an act of charity towards God, then, when the memory of sin occurs, he is obligated to detest his sin, as Holzmüller rightly says, page 431, number 518.

Doubt 4: Does the precept of contrition ever obligate outside of mortal danger, and is its delay a special sin? The first opinion affirms this, and it is held by Juenin, volume 9, page 446, Roncaglia, on penance, chapter 1, question 3, response 2, Antoine, page 498, Council of Trent, volume 9, page 51, number 5, with Cardenal, Vitasse, and Merati, also Ales and Gabriel, apud Salm, ibid., number 46. It is proven by: "Delay not to be converted to the Lord, and defer it not from day to day." For suddenly will come

the wrath of the Lord. Ecclesiasticus 5:8. It is also proven by the precept of charity, which undoubtedly obligates in itself frequently in life; therefore, also frequently obligates the precept of contrition.

The second opinion denies this, and it is held by Navar, chapter 4, page 2, number 5, verse, as well as Cajetan and Durand, apud Paleari, page 3, number 9, who consider it probable. However, I believe that these opinions can easily be reconciled. In itself, a sinner who delays penance outside of mortal danger probably does not commit a special sin, according to the second opinion. The reason is that affirmative precepts, as taught by Doctor of Theology in 4th distinction, 17th question, 3rd.

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a. 1. They must have a determined time within which they must be fulfilled; however, nowhere is it stated what determined time is required to satisfy this precept of contrition: therefore, the same Doctor, in 2-2, question 14, article 2, stated that final impenitence is not a special sin, with these words: "Impenitence is not, indeed, in the same way as when it is said that it consists in remaining in sin until death..., thus it would not be a special sin, but rather a certain circumstance of sin, etc." However, this must certainly be understood, with a positive precept in mind: for, from the precept of annual confession prescribed by the Church, everyone is undoubtedly bound to repent, at least once a year. This, however, is speaking in general terms, but I believe that, by accident, no one can be excused from a mortal sin who, while in a state of mortal sin, delays confession for a noticeable period of time. Firstly, because he would be sinning against the precept of charity towards God, which binds him at least several times a year, according to what is stated in law 3, number 8. Secondly, because he would also be sinning against charity towards himself, by exposing himself to the imminent danger of new sins, by yielding to temptations: the reason for this is clear from what is taught in D. Th. 1-2, question 409, article 8 (which is followed by Gonet and Ronc.), where it is said: "Without justifying grace, it is not possible to remain without mortal sin for a long time." Therefore, D. Gregory, in his Homily 44 on the Book of Ezechiel, said: "A sin which is not erased quickly through penance, draws another to it by its weight." However, what constitutes this noticeable period of time, the Doctors greatly disagree on. The Council believes it to be a week; the same seems to be the opinion of Ronc., who says it is a space of many days; but Salm. de pcenit. chapter 1, page 5, number 55, Pal. page 3, number 40, with Laym. and Elb. number 54, with Lugo, Henno, etc., believe that those who satisfy the annual confession are excused: and this opinion seems to be held by D. Th. in the aforementioned passage in the 4th Sentences. But I do not entirely agree, because to me, a sufficiently noticeable period of time seems to be one in which someone, while in a state of mortal sin for such a length of time, could avoid the danger of easily relapsing. It

is not valid to say that the Church has determined the time of the year indiscriminately for everyone; for the Church has determined this time only for the obligation of confession, but not for penance. However, I do not deny that sinners, especially the unlearned, are often excused from this sin of delayed penance due to inattention, indeed, almost always.

2. Does someone who receives the sacrament of penance at the point of death with attrition (assuming that attrition, without predominant charity, is a sufficient disposition, according to what has been said in question V), still have to elicit an act of contrition? The first opinion affirms this, and this is held by Suar. d. 14. section 6. number 48, Sanch. Dec. volume 1, book 4, chapter 1, number 34, Bon. question 5, page 2, number 5, Conc. volume 9, page 56, number 5, Antoine page 498, r. 2, and Val. Fill. etc. apud Salm. de pcenit. chapter 1, page 5, number 35. The reason is, because according to the law of charity, everyone at the point of death... (1) This opinion seems too rigid to the author in Hom. Ap. tractate 16, number 10.

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It is held that one must seek safer remedies, in order to free oneself from all danger of eternal damnation. The second opinion, however, denies this, and this is held by Lug. d. 7. n. 163, Laym. c. 14. n. 7, Pal. p. 3. n. 5, Ronc. c. 4. q. 4, Sporer n. 174, Holz. n. 546, Escob. l. 14. n. 130, and Salm. ibid. n. 39, along with Cono, Bec, Salas, Fag, Turr, and many others, and is considered very probable by Suar. The reason is that, granted that it is morally certain that simple attrition suffices in the sacrament to obtain grace, there is no moral danger to salvation in this; but a man, at any, whether of life or of death, is only obliged to choose the safe means of salvation, and not safer ones. Both opinions are probable, but the first should certainly be followed, since we are dealing with the highest matter of salvation, the danger of which is irreparable. Indeed, I say that it must be followed by anyone who is in the actual article of death: for then everyone is bound to elicit an act of charity (as is held with Suar. n. 4, Holzm. n. 144, and Spor. n. 35, along with March, etc.), to which no one can satisfy if, when the sin is remembered, the sin is not detested for the same reason of charity. Doubt 3. Does the precept of contrition obligate on feast days? Marsilius, P. Soto, etc., affirm this (see Salm. tr. 6. c. 1. p. 5. n. 49), because the observance of the feast is instituted so that souls may be sanctified. But, generally, Canus, Dom. Soto, Armill, Suar, Vasq, Bon, Reg, etc., deny this (see Salm. l. c.), because the end of the precept does not fall under the precept. See what is said in l. 4. n. 264. Doubt 4. Must the vow of confession be explicit in contrition? It is certain from the Trident Council, session 14, chapter 4, that sins are not remitted unless by a vow of the sacrament of penance: but is this vow to be explicitly made? Canus p. 5. q. 2, and Tourn. Prælect. theol. de penit. qu. 4. art. 4, affirm this, because those things which are necessary because of the necessity of the means must be explicitly proposed by those to whom the

law is already manifest. But, generally, Bon. p. 3. n. 8, Gonet a. 5, and Salm. ibid. c. 2. p. 3. n. 23, along with Scoto, Suar, Soto, Navar, Alensi, Adrian, Fill, Med, and others, deny this. Reason 4: because from the very Trident Council, it is understood that this vow is included in contrition, since it says there: Reconciliation (which is obtained through perfect contrition) is not to be ascribed to contrition itself, without the vow of the sacrament, which is included in it. What is included in one thing is implicit, not explicit. Reason 2: because for those who have knowledge of confession, it is not necessary that, when they are contrite, they remember confession, but it is sufficient that they do not exclude it; therefore, for contrition, it is not essential for the remission of sin that the vow of confession be explicit. 438. — Question IV. Are individual acts of sorrow required for each sin in order to obtain justification? Sylv. in 3. part, affirms this.

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Q. 2. A. 6. Conclusion 1. And Angles, in *Ad Probationes*, as mentioned above. Others, such as Soto, Canus, and Medrano, in *Ad Suar.*, part 4, section 8, number 4, have stated that at least one act of sorrow is required, which detests all knowingly committed sins. However, it is certainly to be held that the opposite is true, contrary to the opinion presented by Suar., number 8; Layman, chapter 4, number 3; Council, page 66, number 7; Juen, *De Sacramento Poenitentiae*; Cajetan, 1-2, question 443, answer 5, and 3, post-question 87, answer 1; Holz, number 449; Spor, number 89; Croia, number 737, and Elbel, page 215, number 79, along with Soto, Master [likely referring to a specific theological master], and others, throughout. All of these teach that it is not necessary to employ a separate act of sorrow for each individual sin, which Cajetan says would be ridiculous; nor is it required that the sorrow be directed towards sins distinctly remembered, but rather it suffices to universally repent of all sins. And this opinion is held by St. Thomas, although elsewhere he seems to indicate the contrary (as we will say below), yet in *Opera de Veritate*, question 29, answer 5, ad 4, he expressly teaches this, saying: "All sins agree in turning away from God, because of which reason, it is not required for justification that someone consider each of his sins at the very moment of justification, but it suffices that he consider that he has turned away from God through his fault." The consideration of individual sins should either precede or, at the very least, follow justification, in order, as Suar., Croia, and others rightly explain. The Roman Catechism also teaches this, § 3, where, although it encourages the sinner to detest his crimes individually beforehand, it adds immediately: "For He [God], being most eager for our salvation, does not allow any delay in granting forgiveness to us; but He embraces the sinner with paternal charity, as soon as He sees that he has gathered himself together, and has universally detested all his sins, which, at another time (if it is possible), he will recall (that is, to confess) and detest in his

mind, and has turned to God." This opinion is proven 1. by the following passage: "Thou therefore, O son of man, say to the children of thy people: The justice of the just shall not deliver him, in what day soever he shall sin: and the wickedness of the wicked shall not hurt him, in what day soever he shall turn from his wickedness: and the just shall not be able to live in his justice, in what day soever he shall sin." (Ezekiel 33:12). Therefore, St. Leo said in his Epistle 82, chapter 4: "With God, there is no delay for a true conversion." And St. John Chrysostom said in his Epistle 5: "God does not reject even the slightest, however brief, repentance." It is proven 2. by reasons. The first reason is that which St. Thomas presented above, namely, that since sins consist in turning away from God, it suffices to regain grace that the sinner turn to God through one act of contrition; if, after the first conversion, the sinner did not regain grace, it would follow that he was simultaneously converted and turned away. Furthermore, since the sinner turns to God through the first act, nothing prevents him from obtaining forgiveness for at least that sin; but mortal sins cannot be forgiven one without the other; therefore, it is necessary that, with the first act, all sins be forgiven at once. The second reason is that for great sinners, who have habitually been involved in sin for a long time, it is difficult to recall and detest each individual sin.

[*Latin ed. p. 261*]

It is impossible for one to be immediately converted to God, since it is impossible to detest each individual sin, or to recall each one to mind, in the shortest of times; but the contrary is evident from Scripture; for many sinners, although burdened with many sins, were nevertheless justified immediately; this happened to Mary of Magdala, the Good Thief, Paul, and especially David, who immediately said, "I have sinned against the Lord," and the Prophet replied, "The Lord also has forgiven your sin." 2 Kings, chapter 42, verse 13.

Reason 3: Otherwise, no one could be cleansed from hidden sins through universal sorrow, but the Council of Trent, in Session 14, chapter 5, teaches the contrary, saying: "But the other sins, which do not occur to a diligent person, are understood to be included in this general confession, for which we faithfully say with the Prophet: 'Cleanse me from my hidden faults.'" If, therefore, universal sorrow is sufficient to cleanse hidden sins, why would it not also cleanse sins that are not individually detested?

Reason 4: This reason is intrinsic, because (as Father Suarez teaches well), when someone grieves about their sins from a universal motive, which is opposed to all sin, then they virtually detest their individual sins; for that act of sorrow extends to all things, both individually and collectively. And this reason is given by the same Doctor in the 4th Distinct, 47th Question, 2nd Article, 3rd point, where he says: "In the sudden movement of contrition, although an actual distinction cannot be

found, nevertheless, insofar as each sin is ordered towards that which is the object of sorrow in that general contrition, namely, the offense of God, it is present. Therefore, he adds, just as he who loves a community, by virtue of that love, loves individuals; so too, he who grieves about all sins, grieves about each one."

It does not contradict this that St. Thomas says in the 3rd Part, Question 87, Article 4, where, when asking whether a venial sin can be forgiven without penance, he answers: "A more perfect penance is required for the remission of a mortal sin, namely, that the person actually detests the mortal sin committed, as far as is possible, and that he uses diligence to remember the individual mortal sins, so that he may detest each one." Indeed, Cajetan explains wisely in that place how St. Thomas should be understood: "This can be understood in two ways," he says, "either that for each sin there must be a detestation, and this is absurd to assert; or that each sin is terminated by a detestation; and this is the meaning of the words, so that just as in confession, when a sinner says, 'I have committed fornication a thousand times,' that single act of confession is actually directed to those thousand individual acts of fornication; so too, as far as the internal act is concerned, when the sinner dislikes those thousand acts of fornication, he actually detests each one with that one and the same act."

Furthermore, what St. Thomas says: "He must use diligence to remember the individual mortal sins, so that he may detest each one," must necessarily be understood in reference to the remembrance that is necessary for confession; for he would not truly detest sins if he did not care to remember them individually, in order to confess them; this is evident from another passage from the same St. Thomas, which was cited above, where he speaks of...

[*Latin ed. p. 262*]

Regarding the absolution of sins outside of the sacrament, he says: "The consideration of individual sins ought either to precede, or at least to follow, justification. Therefore, if the consideration of individual sins can follow justification, it consequently is not necessary for the remission of those sins themselves; but only for confession, in which individual sins must be explained with detestation. Furthermore, Father Concina, in the aforementioned work, rightly observes that it is beneficial to meditate on the deformity of sins, so that we may more easily conceive of their detestation, except for the sins of luxury, as all warn, lest their wicked stench infect the soul. Tamb., in *Methodus Confessionis*, book 4, chapter 4, section 2, number 5, states that it should not be impressed upon the penitent that he should especially grieve about the sin to which he is more attached, lest, by being led to detest it more, he expose the penitent to the danger of becoming more attached to it; but the Council rightly says on page 237, number 43, that this doctrine is not sound, because the penitent, who is more affected

by a particular sin, unless he is led to a special detestation of it, will, with the root of the affection remaining, easily relapse into it.

439. — Question V. Is an explicit act of faith and hope also required, besides sorrow, to obtain grace in the sacrament of penance? Concina, on page 466, number 30, Hurt, in *Disputationes*, 6th disputation, 8th question, and Torres, in *De Fide*, 32nd disputation, 2nd disputation, and others, affirm this, because, according to the Council of Trent, sinners prepare themselves for justification by believing that what has been revealed and promised by God is true, and by trusting that God will be propitious to them through Christ. However, Bon., in *Disputationes*, 3rd disputation, on the aforementioned topic, 4th question, page 2, number 9, Azor, in *Lecturae*, 8th book, 7th chapter, 6th question, and Escob., in *Lecturae*, 14th book, number 103, along with Fill. and Mald., deny this, because, as they say, there is no sufficiently valid reason to require an explicit act of faith and hope in confession. However, Escob. and Lugo rightly say (by best reconciling these opinions) that, when someone approaches confession truly penitent, he necessarily elicits an explicit (not merely reflective, but indeed active) act of faith and hope; for when he approaches to receive the remission of his sins, he undoubtedly also explicitly believes that they are being remitted to him through the power of the sacrament, and he explicitly hopes that, through the sacrament, God will remit his sins for the merits of Christ.

440. — Question VI. Is contrition required to properly receive the sacrament of penance, or is attrition sufficient? It is certain and commonly held among Doctors that perfect contrition is not required, but that attrition is sufficient. The great question is whether attrition without an initial love, which arises from a predominant charity, although perhaps weak, is sufficient. The first opinion denies this, and this is held by Juenin, in *De Sacraments Peni*, question 2, chapter 4, number 2, section 4, and 2; Merbes, on page 38, counsel 3; Morin, in *Libri*, 8th book, 4th chapter, number 2; Habert, in *De Peni*, chapter 8, section 4; Antoine, in *De Contrit*, question 6, response 2; and Con., in *Tractatus*, 9th volume, page 68, number 4, along with others. The reasons for this opinion will become clear from the objections to the second opinion, which we will follow.

[*Latin ed. p. 263*]

The second opinion, almost universally held, affirms this, and is maintained by Canus, *Prael. de pænit.*, p. 1; Gonet, *Man.*, vol. 6, p. 410; Peter, vol. 4, p. 103 (who asserts that distinguished theologians of the past adhered to this view); Tourn., *Prælect. theol. de pænit.*, question 5, article 3, conclusions 2 and 3; Frassen, vol. 10, p. 563, question 2; Wigandt, *tr.* 13, no. 44; Cabass, *Th. J.*, chapter 6, no. 11, with Val. Viguer, Tol. and Nav. Suar., *de pænit.*, d. 15, s. 14, no. 12; Laym., chapter 2, no. 2; Abelly, chapter 5, section 10 (with common consent, as he says); Lugo, d. 7, no. 273 (who says

that after the Council of Trent, it is no longer probable to hold the contrary); Pal., p. 3, no. 3; Bon., question 1, p. 2; Anacl., p. 595, no. 47; Holzm., vol. 575 (who calls it morally certain); Roncag., chapter 4, question 1; Elbel, no. 60; Salm., *de pænit.*, chapter 1, p. 5, no. 22; Viva, question 3, article 3, no. 7, and Croiæ, no. 873, with countless others. They say that attrition, arising from an honest and supernatural motive, namely, from the fear of hell, or the loss of eternal beatitude, or from the consideration of the ugliness of sin, illuminated by the knowledge of faith, is sufficient, provided it is not entirely without some initial love of God, and that this love is not dominant.

This opinion is openly favored by St. Thomas in *Quodl.* 4, article 1, where, after saying that sin is forgiven through contrition alone, before absolution, he adds: "Sometimes it happens that some, not perfectly contrite, obtain the grace of contrition through the power of the keys." Therefore, the Doctor distinguishes between perfect contrition, which justifies outside of the sacrament, and imperfect contrition, which justifies within the sacrament, and this latter should be understood as attrition, as it is understood and called by the Council of Trent.

Indeed, *Prob. 1* from the same Council of Trent, session 14, chapter 4, states: "Furthermore, it teaches that, although this contrition is sometimes perfected by charity, and reconciles a man with God before this sacrament is actually received, nevertheless, this reconciliation should not be attributed to the contrition itself, without the vow of the sacrament, which is included in it. But this imperfect contrition, which is called attrition, because it is commonly conceived either through the consideration of the ugliness of sin, or through the fear of hell and punishment; if it excludes the will to sin, and with hope of forgiveness, it does not make a man a hypocrite, nor a greater sinner, but is a gift of God, and an impulse of the Holy Spirit, not yet dwelling within, but only moving, by which the penitent prepares the way for himself to justice. And although, by itself, it cannot lead the sinner to justification without the sacrament of penance, it nevertheless disposes him to obtain the grace of God in the sacrament of penance."

The adversaries object that the Council (as reported by Cardinal Pallavicinus) deleted the word "suffices," which was previously placed in the decree, and substituted the word "disposes"; therefore, they say that attrition, without charity, disposes, but does not suffice for grace in the sacrament.

[*Latin ed. p. 264*]

It is understood that it must be received with a contrite mind. But it is answered: 4. That Gonet, in his Manual, book 1, chapter 12, states that to say that it prepares [the soul] means the same thing as to say that it suffices, because that preparation cannot be understood of a remote preparation, since attrition, even without the sacrament, insofar as it is a gift of God,

remotely prepares for grace, as the Council says; therefore, it must necessarily be understood of the preparation that is close to grace in order to receive the sacrament. And this is clear, as the Author rightly observes in his Theologia Moralis, for the use of the Seminary of Petrocor, on penance, chapter 5, question 3, from the words mentioned above: "Although it cannot, by itself, lead to justification without the sacrament, etc." Therefore, with the sacrament, it leads well [to justification]; otherwise, if the Council had understood only of a remote preparation, it would have stated incongruously and absurdly that attrition, although it cannot justify without the sacrament, nevertheless prepares for justification with the sacrament; but rather it should have said that attrition, although it does not prepare for obtaining grace without the sacrament, nevertheless prepares with the sacrament. But it is clear that the Council is speaking here of a preparation that is close at hand; since it distinguishes a double preparation for receiving grace, one outside the sacrament, which is perfect contrition, of which it speaks first, and another within the sacrament, which is attrition, and of which it speaks later. Therefore, if the Council assigns perfect contrition as the preparation that is close at hand for obtaining grace outside the sacrament, it likewise assigns attrition here as the preparation that is close at hand for obtaining grace within the sacrament. Furthermore, the Council distinguishes between attrition outside the sacrament, and says that this is a gift of the Holy Spirit, and a way to justice, and consequently is a remote preparation for grace (as is any good act), although it is not sufficient for justification; and between attrition within the sacrament, and this it calls a preparation for receiving grace within the sacrament: therefore, it presupposes this preparation, otherwise it would have distinguished without reason. Furthermore, the Council says that contrition, which is the sorrow and detestation of the soul for the sin committed, is the matter, or almost the matter, of this sacrament; then, although it divides this contrition into perfect and imperfect, nevertheless, since both are included in the definition of contrition, and both are assigned as the matter, it follows that even imperfect contrition closely prepares for obtaining grace. This is clearly confirmed by the same Council in the same chapter 4, where, after the words mentioned, it immediately adds: "Therefore, certain people falsely accuse Catholic writers, as if they had taught that the sacrament of penance confers grace upon those who receive it without a good intention." But the heretics do not accuse the Catholic writers who said that the sacrament of penance confers grace upon the contrite, but only those who said that it confers grace upon the attrite; because they said that these penitents are not lacking in a good intention and a sufficient preparation for grace in the sacrament.

[*Latin ed. p. 265*]

In order to obtain this grace. Thus spoke Luther (according to Frassen,

vol. 10, p. 664): "Sadness, arising from the wickedness of sins, the loss of eternal blessedness, etc., makes the hypocrite, indeed, a greater sinner, and such are unworthy of absolution." And then, in the same place, he condemned those who call this sorrow a proximate disposition to contrition. However, the Holy Synod declares that these authors have been falsely calumniated by heretics; therefore, the Council subsequently openly approved their opinion, vindicating them from those calumnies. Hence, our Most Holy Pope Benedict XIV, in his work *De Synodo*, book 7, chapter 13, number 6, states that after Trent, all schools unanimously accepted our opinion. Therefore, it is not undeservedly that Cardenas, Salm, Viva, and Croiæ, along with Tanner, Conine, Præpos, Prado, Salas, Suar, Less, Raynaud, Palao, Spor, Fill, and others, call it morally certain, and they say that everything opposed to it has lost all probability after the Council. However, it must be noted that Alexander VII, on May 5, 1667, forbade, under pain of excommunication reserved to the Apostolic See, that anyone should dare to censure, or inflict injury or insult upon, either opinion, whether it denies the necessity of some love of God in attrition arising from the fear of hell, which is more common among the scholastics today, or whether it asserts the necessity of such love. However, this decree does not forbid that the patrons of either opinion call their own opinion true, or certain; indeed, Lugo, in *De Fide*, book 20, number 104, Carden, in *1. Crisi*, book 9, number 297, Croiæ, book 1, number 99, along with Hurt, Viva, in proposition 15, Alexander VIII, number 33, at the end, and Holz, number 542, say: "I have said that it is not forbidden to say that the opposite opinion may be improbable and false, because improbability and falsehood are not censures of theology." Furthermore, when the Pope, by saying that the opinion denying the necessity of love in attrition is more common among the scholastics, seems (as Father Viva aptly points out in proposition 15, number 33) not only to have tolerated it, but also, in some way, to have approved it, at least to have given it great weight; because we are dealing with an opinion that pertains to the value of the sacrament, and Alexander states that the scholastics generally accepted it. Consequently, he states that it is generally held in the schools to be morally certain; for it is well known that in matters concerning the sacraments, it is illicit to follow an opinion that is not either safer, or morally certain. At least, if the Pope had intended otherwise, he would have given great opportunity for error in a matter so grave, and one that pertains to practice, as is the matter closest to this sacrament, from which so many souls depend. It is proven in the second place, because the sacraments indeed effect, and actually effect, what they signify; and since this sacrament, by Christ's institution, is the sacrament of the dead, and by itself can confer grace, it is necessary (as taught in *D.

Th.*, part 3, question 84, article 3, ad 5) that...

[*Latin ed. p. 266*]

The priest, absolving the penitent, demonstrates that he is absolved not only figuratively, but also effectively; that is, so that, when the priest pronounces the form of absolution, those words not only signify, but also actually effect the remission of sin. Therefore, we say that if attrition were not sufficient for the remission of sin, and contrition were required, which justifies the person outside of the sacrament, then all penitents should approach this sacrament justified. It does not hold to say that, even if penitents always approached this sacrament justified, they would always receive the remission of sins by the power of the keys, since the Council of Trent teaches that perfect contrition, perfected by charity, does not justify without the intention of the sacrament (understand, either explicitly or implicitly); for it is answered that, if this were the case, it would never be verified that the sacrament of penance actually effects what it signifies, namely, the absolution of sins. Furthermore, it is answered from canon 12 and canon "Agnovimus" 13, causes 26, q. 6, that Julian and the Popes teach that a priest who denies absolution to a dying person who requests it is the cause of that person's damnation; therefore, the Popes imply that, even if the dying person had the intention of the sacrament and was disposed to receive absolution, he would still be condemned because of the priest's denial; therefore, absolution actually remits sins. 441. — The adversaries themselves do not deny this, but they say (and Sylvester in Suppl. D. Th. q. 5, art. 4) that sin is remitted outside of the sacrament only by perfect contrition, that is, contrition which arises from intense charity, and not by contrition which arises from a weakened charity, or by attrition which arises from a beginning love, which, although it may be predominant, is nevertheless weakened. But it is answered that all sorrow which arises from a predominant charity is a justifying contrition for the person outside of the sacrament, as the aforementioned Doctors commonly teach, from D. Th., which teaches this plainly in several places; indeed, in Suppl. q. 5, art. 3, it says: "Contrition, as has often been said, has two kinds of sorrow: one of reason, which is the aversion to the sin committed, and this can be so small that it is not sufficient for the reason of contrition, just as love can be so weakened that it is not sufficient for the reason of charity; the other is a sorrow in the senses, and the smallness of this does not hinder the reason of contrition; because it is not of itself related to contrition, but is rather added to it as an accident; and again, it is not within our power." Then it concludes: "Therefore, it must be said that, however small the sorrow may be, as long as it is sufficient for the reason of contrition, it removes all guilt. Therefore, from D. Th., the one who dislikes separation from the end already has sufficient contrition to remove sin; but the one who has contrition arising from predominant charity already dislikes sin more, because

it is a separation from the end; therefore, he already receives the remission of sin. It does not hold to say that the Holy Doctor is speaking here of the sorrow required in the sacrament..."

[*Latin ed. p. 267*]

Concerning the matter of penance. Although he speaks here of the parts of this sacrament, when he speaks of contrition, he speaks generally of it as a virtue, as the authors do who, when treating of the sorrow required for the sacrament of penance, also treat of contrition in general. Hence, St. Thomas proposes the question there, whether a small contrition suffices for the remission of great sins? And he resolves: Every contrition is a grace that makes pleasing; therefore, however small it may be, it removes all guilt. Here, nor in the entire article, does the Doctor say a word about the sacrament of penance; why, then, should his teaching be restricted to contrition within the sacrament? Furthermore, that he speaks of contrition in general is evident from the questions he proposes beforehand, namely: Is contrition sorrow assumed for sins with the intention of confessing? Is it an act of virtue? Does contrition concern original sin? Is the whole of life a time for contrition? Are souls contrite for their sins in the next life? The subjects of these doubts cannot be reduced to contrition as the matter of the sacrament. Moreover, that St. Thomas held this opinion, namely, that every contrition removes sin outside the sacrament, is evident from what he says in 3. p. q. 86, art. 3, where he says: For true penance to be effective, it is necessary that sin be detested, because it is against God, who is loved above all things. Also, from the text cited above in Quodl. 4, art. 4, where (as we have stated) he says that sin is forgiven by contrition alone... but if, before being absolved, one has this sacrament in view, then the power of the keys already operates in him, and the remission of guilt follows. Therefore, whenever the Doctor speaks absolutely of the sorrow that pertains to contrition, he always understands by it the remission of sin outside the sacrament.

442. — That any contrition arising from predominant charity, even if imperfect, removes sin, is proven from the Council of Trent, from the same chapter 4, in session 14, where it is said: Although this contrition sometimes happens to be perfect in charity, and reconciles a man with God, before this sacrament is actually received, etc. Therefore, sorrow perfected by charity already justifies the sinner before the reception of the sacrament. However, the adversaries read "charity perfected," not "contrition perfected," from which they infer that the Council is speaking of intense charity. But I, and Petroc. Frassen. and Lugo, read "charity perfected" in several copies. And so it seems more likely to be read, for "perfected" refers properly not to charity, but to contrition, since the Council divides contrition into perfect and imperfect; as is evident to the reader. Indeed, even if it referred to charity, it does not follow that the Council requires intense charity for

justification outside the sacrament; for charity that predominates, even if imperfect, is still perfect charity, although it is more perfect if it is intense; for perfection is either imperfect—

[*Latin ed. p. 268*]

The act of charity, as Tourn rightly says, *Praelectiones theologicae de poenitentia*, question 4, article 1, conclusion 3, is not derived from intensity or remission, but from the motive from which it arises: hence, perfect charity is that which arises from the motive of God's goodness, while imperfect charity arises from the motive of obtaining good from God. Therefore, if the Council had spoken of charity, and not of charity, it would certainly have referred to perfect charity in distinction from imperfect, or imperfect, charity, which (as we shall say below) does not reach the level of perfect charity. Hence, the Faculty of Paris, in the year 1560, as reported by Tourn in the aforementioned place, article 2, condemned this proposition: "Through contrition, no sin is remitted outside the case of martyrdom or necessity, in a manner that is truly and effectively sacramental." Furthermore, the Gallican clergy in the General Assemblies of the year 1700 (as cited by Tourn, ibid., article 3) declared: "These two things must be brought to the attention of and taught by the Holy Synod of Trent: first, that it is not required in the sacrament that there be a prior contrition that is perfect, and which reconciles man to God before it is received. Secondly..." The same Faculty of Paris, in the year 1638, noted with censure a book by a certain Claudius Seguenot, saying: "That the author presents the insufficiency of attrition, and the absolutely necessary perfect contrition for receiving the sacrament of penance; and that he adds regarding absolution, that it is nothing other than a declaration of a sin already forgiven; the Faculty condemned these propositions, and considered them contrary to the precepts of the Church, detrimental to the efficacy of the sacrament of penance, and furthermore, rash and erroneous." As Tourn notes in the aforementioned place, below, the aforementioned author was not speaking of intense contrition, but only of contrition arising from the motive of charity, distinguishing it from sorrow arising from the motive of hell. Furthermore, it is proven that all contrition wipes away sins, because the act of contrition is a formal act of charity towards God, or intrinsically connected with charity, as commonly taught by Salm, *De poenitentia*, chapter 1, page 4, number 13, with St. Bonaventure, Palearius Alensis, etc.; Croiæ, book 6, page 2, number 727, with Lugo, Aversa, Bosco, and Gormaz, *Summa Theologica*, 3rd part, question 85, article 6, and question 86, article 3. And it does not seem that this can be doubted; for the very learned Father Frassen speaks, volume 10, page 534, saying that, "in substance, contrition is not inferior to charity, since both tend towards God, but in a different way: charity tends towards God by way of consecration, as the highest good; contrition, on the other hand, by way of avoidance, inasmuch as man detests sin, as the

highest evil, as being opposed to God. Charity tends immediately towards God, and mediately towards the hatred of sin; contrition, on the other hand, tends immediately towards the hatred of sin, and mediately towards the love of God. Therefore, he concludes, contrition is a formal act of charity, because, for the love of God, man hates sin." Furthermore, since contrition arises solely from the motive of charity, contrition cannot exist unless it is preceded by, and coexists with, charity; for contrition is nothing other than sorrow for...

[*Latin ed. p. 269*]

Regarding sin, insofar as it is an offense to God, the supremely beloved; therefore, he who is contrite must necessarily perform, even if not reflectively, an act of charity, and therefore St. Thomas, in the 3rd part, question 85, article 6, says: "The act and habit of charity are simultaneous with the act and habit of penance." Therefore, since contrition is also true charity, or is necessarily joined with charity, it must also be said that it remits sin. This is less clearly evident from the divine Scriptures, that he who loves God already participates in God's friendship, as in Proverbs 8: "I love those who love me." John 14: "He who loves me shall be loved by my Father." 1 Peter 4: "Charity covers a multitude of sins." 1 John 4: "Everyone who loves is born of God." Hence, St. Augustine (Tractate 9 on John) said: "Fear is the medicine, charity is the health." And in book 1, against 2 Epistles of Pelagius, chapter 2: "Charity makes one a son of God." Also, in Sermon 35 on Proverbs, chapter 12: "You do not see God, love, and you have [Him]." And in Tractate 9 on John, speaking of charity, he says: "When a man begins to have it, he has the Holy Spirit." St. John Chrysostom: "Where there is charity, all evil is removed." And this is more clearly taught by St. Thomas in 2-2, question 45, article 4, where he says: "Charity cannot be with mortal sin." And that this St. Doctor is not speaking of intensive charity, but of charity alone that predominates, is evident from what he himself says in question 24, article 12, to which he refers, where he says: "Every act of mortal sin is contrary to charity according to its own reason, which consists in the fact that God is loved above all things." Therefore, Father Concina rightly says that the St. Doctor understands that charity cannot be with sin, which is in an intense degree, when he says in St. Thomas, Supplement, question 5, article 3: "Love can be so remitted that it is not sufficient for the reason of charity." For it is answered that this St. Thomas intends nothing other than that if love is so weak that it has not yet reached the object of charity, that is, has not yet loved God above all things, this is not true charity, but the beginning of charity; but if it is sufficient for the reason of charity, which consists in the love of God above all things (as explained above in question 24, article 12, where: "Every, etc."), then, however remitted, it is true charity, and this he says cannot be with mortal sin. And the reason is evident, because just as any aversion from God as the ultimate

end, even in a remitted degree, is sufficient to lose God's friendship, so any true conversion is sufficient to regain it, from the words: "Return to me, and I will return to you." Zechariah 1: "And thou shalt say to them." And also: "the wickedness of the wicked shall not hurt him, in what day soever he shall turn from his wickedness." Ezekiel 33: "Thou therefore, O son of man, say to the children of thy people: The justice of the just shall not deliver him, in what day soever he shall sin: and the wickedness of the wicked shall not hurt him, in what day soever he shall turn from his wickedness: and the just shall not be able to live in his justice, in what day soever he shall sin." Therefore, Bellarmine, in volume 4, page 347, says: "The act of loving God above all things is opposed to sin, and effectively expels it, so that without a miracle, the act of loving God above all things cannot remain with sin." This is clearly confirmed by proposition 32 of Michael Baji, condemned by Gregory XIII, which said: "That charity, which is the fullness of the law,..."

[*Latin ed. p. 270*]

It is always joined with the remission of sins. It is certain among all that the charity required to fulfill the law does not need to be intense, but it suffices if it extends to loving God above all things. Whatever Juvenius may say in *Institutiones Theologicae*, volume 6, page 333, requiring intense charity to fulfill the precept of love, based on the words: "Thou shalt love the Lord thy God with thy whole heart, and with thy whole soul, and with thy whole strength" (Deuteronomy 6:5). However, generally, theologians hold the opposite view, as stated by D. Thomas in *Summa Theologica*, 2-2, question 44, article 8, second part, who, explaining how "with thy whole heart" should be understood, says: "When it is commanded that we love God with our whole heart, it is to be understood that we must love God above all things." And in the same work, 2-2, question 24, number 8, he says: "For true charity, it is sufficient that a man habitually puts his whole heart into God, that is to say, so that he thinks or wills nothing that is contrary to divine love; and this perfection is common to all who have charity." Therefore, the perfection of charity consists in a man loving God above all things, and willing nothing contrary to divine love; as is clear from 1 John 2:5: "He that keeps the word of Christ (that is, fulfills the law), in him truly the perfect love of God is perfected." Hence, it is certain that a predominant, albeit imperfect, charity fulfills the law, as commonly taught by D. Thomas, as mentioned above, by Suarez in *De Poenitentia*, part 4, number 7, by Sanchez in *Decisiones*, 1-2, chapter 3 and 5, by Bonaventure in *De Quatuor Sensibus in Præcepto Decalogi*, part 3, question 4, page 1, number 2, along with Vasquez and Regis, and by Habert himself in *Summa Theologica*, part 3, page 632, line 1. Although he may distinguish himself by holding a different opinion regarding the sufficiency of attrition, he does not deny that an imperfect charity, if predominant, suffices to fulfill the precept, since there is no precept (as he says) regarding the intensity of

charity; otherwise, God would command an impossible thing, since it is not in our power to have intense charity. Unless, one were to say, as Contenson does in *De Præcepto Decalogi*, chapter 1, article 3, section 4, point 1, conclusion 1, that whoever has a predominant love of God necessarily has a predominant (rational, not merely sensitive) love, which is quite sufficient to fulfill the precept. But if intensity of love is understood in this way, the question is only about the name. Certainly, he who has an apprehensively predominant charity fulfills the precept. And this charity, as Bajus said, can be joined with sin, and this is condemned. Bajus stated: "That charity which is the fullness of the law is not always joined with the remission of sins." Therefore, as my most illustrious and learned teacher, the Bishop of Tours, rightly says, the opposite proposition must be held, namely, that that charity which fulfills the law is always joined with the remission of sins. It is not valid to say that the proposition was rejected with respect to habitual charity, namely, when one is in the state of grace, but not with respect to actual charity; for Lugo rightly responds in *Tractatus de Gratua*, part 5, number 101, that Bajus was speaking of the charity that is the fullness of the law, of which he was speaking.

[*Latin ed. p. 271*]

Rom. 43. Hence, there is no reason to doubt that Baji spoke not of the habit of charity, or of the grace of justification, but of the act of love; for the law is not fulfilled by the habit alone, but by the act, since the law does not prescribe a habit, but the act of charity, as the Doctors commonly say, because a habit does not fall under a precept, and precepts are not fulfilled except by acts. This is confirmed by proposition 70, condemned by the same Baji, which stated: "A man existing in mortal sin can have true charity; and perfect charity can coexist with the guilt of eternal damnation." Therefore, Baji here distinguished between true charity and perfect charity; by "tò," even perfect (note carefully that addition), he undoubtedly meant intense charity, and by "tò" true, he meant remitted charity, which is undoubtedly true charity, since greater and lesser do not alter the species: and both parts of the proposition were condemned. I do not know how one can respond to this. From all of the above, it is clear that the opposing opinion, which states that contrition with remitted charity does not justify outside of the sacrament, is the most improbable and false; hence, Lugo states in chapter 5, paragraph 99, that it is rejected by all theologians; indeed, in number 445 of his work, Coninch calls it erroneous, Vasq. contrary to the Catholic doctrine, Alphonsus Curiel deems it somewhat unsafe in faith, while others consider it rash and scandalous; rash, because in a very serious matter it deviates from all theologians and the common sense of the Holy Fathers; and scandalous, because it deters people from diligently seeking contrition. And therefore, Gonet states in chapter 3, paragraph 27, that Sylvius, although he had previously defended the opposing opinion, later retracted it; because

(says Gonet) it most clearly contradicts various passages of Scripture, and the testimonies of the councils, and the Holy Fathers. They object against our opinion regarding the sufficiency of contrition: "A sinner turned away from God cannot turn to God, except through formal and actual charity." The response is: This is indeed required outside of the sacrament, and the reason is, because just as, through sin, which is an actual contempt of God, man is turned away from God, so too, through actual love, he must turn to God. But something else must be said regarding the remission of sins within the sacrament, because, since the sacrament has the power to remove sin, and only through the infusion of grace, which is itself habitual charity, is sufficient to obtain grace, so that the sinner, through contrition, is disposed to receive the sacrament, by virtue of which, without actual charity, he is converted to God, just as he would be converted outside of the sacrament through actual charity. And thus it is understood how a sinner becomes contrite through contrition, namely, because by the power of the keys, he is equivalently made contrite, as the proponents of our opinion commonly say, from D. Thomas in the aforementioned Quodlibet, 4, a. 4, where he teaches: Volume IV.

[*Latin ed. p. 272*]

Some, not perfectly contrite, attain the grace of contrition through the power of the keys. They object: Those who are sorrowful about sin because of the punishment, hate the punishment more than the sin; therefore, if they do not have charity, they cannot attain the grace of God. It is answered by making a distinction: He who actually hates the punishment more than the sin, out of a servile fear, so that he would be willing to sin if there were no punishment; this person would not elicit a good act, but rather a positive evil, because he would not exclude the will to sin from his sorrow. But he who hates sin because of the punishment, and by completely excluding the will to sin, grieves for having offended God out of fear of hell, this person already elicits a good act that arises from charity ordered towards himself (as declared by the Council of Trent, and confirmed by Alexander VIII, condemning proposition 46, which stated: "Attrition, which is conceived out of the fear of hell and punishments without the love of the benevolence of God for Himself, is not a good and supernatural movement"); and therefore, he already prepares himself to receive grace in the sacrament. They object: For any justification, at least the beginning of love is absolutely required, as declared by the Council of Trent, session 6, chapter 6, where it is said that sinners, while being prepared for justification, begin to love God as the source of all justice, and therefore they are moved against sins through some hatred and detestation. It is answered: We do not deny that the beginning of love is required for justification, nor do we deny that it is also required in the sacraments of the dead, since the Council there speaks especially of justification through baptism. But what kind of love

is required by the Council? Is it perfect charity? Or only the beginning of charity? Here it is important to note what Cardinal Pallavicini testifies in *Historia Tridentina*, book 8, chapter 43, namely that some Fathers of the Council, instead of saying "begin to love," argued that it should be added, "through an act of charity"; but the Council rejected this, and affirmed that only "begin to love" should be included. Why did it reject this? Unless it judged that an act of perfect charity is not required for justification in baptism (or in the sacrament of penance, since these sacraments proceed in the same manner). But this beginning of love, as well taught by Gammach in *De Poenitentia*, part 3, chapter 9; Frassen, volume 40, page 363, question 2; Petroc, volume 4, page 142, question 3; and Tournhem, *Præludia Theologica de Poenitentia*, question 5, article 3, conclusion 2, at the end, is already present in the attrition that we described above: Firstly, through the fear of divine vengeance, according to Ecclesiasticus 25:46, "The fear of the Lord is the beginning of love." Secondly, through the hope of mercy, for in the very Council of Trent, in the passage cited above, it is said that those who prepare themselves well for grace are those who begin to love God as the source of all justice, that is, as the author of all justification. Thirdly, through the hope of eternal blessedness, for as St. Thomas teaches in *Summa Theologica*, 1-2, question 40, article 7, speaking of theological hope, he says that it is indeed the beginning of love for God, with these words: "Therefore..."

[*Latin ed. p. 273*]

For when we hope that some good may come to us through someone, we are moved towards that person, as if towards our own good, and thus we begin to love that person. Hence, the same Doctor says in II-II, question 17, article 8: "Perfect love is that by which one loves oneself...; imperfect love is that by which one loves something... but so that that good may come to oneself." Now, these things (as the aforementioned authors and others say) are necessarily included in attrition, because the one who approaches with it, and with the hope of receiving forgiveness through the sacrament, already begins to love God as his liberator, justifier, and glorifier. It is not valid to say that the one who loves God for his own good, loves himself, and not God; for the wise Saint Francis de Sales responds in chapter 17 of *De Amore Dei*, saying that if someone were to love God for his own good, and were so affected that he would not love Him if he expected nothing from God, then he would certainly sin, because he would positively exclude charity; for then he would not turn to God, but rather would turn away from Him, perversely ordering God towards himself as the ultimate end. But the one who loves God as the supreme good, and excludes all will to sin, then performs a supernatural good act; and although he does not have perfect charity, he does not exclude it, but rather begins to have it, and in some way turns himself towards God. Furthermore, who would deny that it is entirely

fitting that penitents, as far as their strength allows, should strive to elicit the act of perfect contrition, and that confessors should always strive to incite them to it, so that they may more safely attain divine grace? Certainly, our opinion will be helpful if someone approaches with only attrition, that he should not be turned away from this sacrament, and that the confessor should not reject him as being unprepared.

443. — Question VII. Is attrition arising from the fear of temporal punishments, as they are inflicted by God, sufficient in confession? The first opinion affirms this, and it is held by Lugo, dist. 5, n. 137; Suar., dist. 7, sect. 2, n. 15; Sporer, n. 242; Anacl., n. 42; Viva, in prop. 45; Alexander VIII., n. 42; Elbel, n. 59, who, along with Gob., calls it morally certain; also Gran., Reg. Moja, Aversa, etc., with Croix, n. 884, who calls it highly probable. The reason is that the Council of Trent, in session 14, chapter 4, among the motives for attrition sufficient for the sacrament, mentions the fear of hell and of punishments: where, through "hell" is understood eternal punishment, and through "punishments" it seems to be understood temporal punishment, since the Council brings the example of the repentance of the inhabitants of Nineveh, which arose from the fear of the destruction of their city; just as God threatens eternal punishments, so He threatens temporal punishments to deter sinners. The second opinion, however, denies this, and it is held by Conoina, p. 236, n. 11; Canus, *Prælect.* de pæn., part. 3; also Hurtad., *Pasq.* ap. Dicn., p. 9, tr. 9, resol. 51; and the Cardinals, in prop. I, Innocent XI, n. 72, doubt.

[*Latin ed. p. 274*]

Whether the first opinion is morally certain. The reason is that, although the Council of Trent states that it is out of fear of hell and punishments, it does not distinguish between hell and punishments; therefore, it probably equates the two; for since the punishment for mortal sin is eternal, the penitent ought to fear eternal evil. The first opinion seems more probable; for hell encompasses all eternal punishments, and therefore, since the Council speaks of both hell and punishments, something other than eternal punishment must be understood. However, since the second opinion is not without its own probability, at least externally, I believe it is more prudent to observe it in practice.

444. — Question VIII. Can a valid and complete sacrament of penance be given? The case would be, for example, if someone committed two mortal sins, one of theft, the other of perjury; then, he remembers only the theft, and confesses only that, feeling sorrow not for a universal reason, but for a special reason, namely, the supernatural turpitude that theft has; the question is, whether, although he does not receive grace, he nevertheless confesses validly, so that the sacrament, once the obstacle is removed, namely, the detested sin forgotten, revives to cause grace, and whether there is then an obligation to repeat the sin that has already been confessed, but

only the sin that has been omitted? The first opinion denies this, and this is held by Elb. n. 82, Conc. p. 351, Feliæ Potest. d. pæn. n. 2082, with Scotus, Holzm. n. 506, with Bosco, Sporer, Mastrio, Galle, and the Scotists; also, commonly, Vasq. Laym. Con. Sa, etc. ap. Croiæ nu. 672. Of these, some (such as Vasq. Potest. and Elbel) say that such a sacrament is valid and complete, that is, with the effect of grace. The reason is that, although the penitent feels sorrow in order to recover divine friendship, and although he feels sorrow for a special reason, namely, the turpitude of theft, nevertheless, his sorrow virtually extends to all forgotten mortal sins, as being opposed to reconciliation with God; and therefore, if he feels sorrow for a specific turpitude, he must also feel sorrow for the generic turpitude, which prevents such reconciliation. Others, on the contrary (such as Holzm. etc.), say that such a sacrament is not only incomplete, but also invalid. The reason is that in Trent, session 14, canon 5, it is stated that sorrow is a part of this sacrament, inasmuch as it works the remission of sins; therefore, if that particular sorrow does not cause remission, it will never be suitable matter for a sacrament, and therefore the sacrament will always be invalid. The second opinion, which is more probable, affirms this, and this is held by Lugo dist. 14. n. 65, Suar. d. 20. sect. 4. n. 26, also Tolet. Val. Fill. Bonac. Tann. Escob. etc. with Croiæ d. n. 672, and Gonet d. 10. art. 4, with other Thomists commonly, from D. Th. Suppl. q. 9. art. 4, and in 4. dist. 17. q. 3. art. 4, whose words we quoted in n. 87. These Fathers say that such a penitent does not receive grace, because, on the one hand, one mortal sin cannot be remitted without the other; and, on the other hand, since the sinner feels sorrow only for a particular reason, namely, the turpitude of theft, he cannot.

[*Latin ed. p. 275*]

To obtain remission for perjury, of which he does not remember, nor is he sorry. However, they say that such a sacrament is valid, because no essential part is lacking: not confession, since a complete accounting of those sins that come to mind is made; not sorrow, since it is already present concerning the confessed sin; nor absolution, as is supposed; therefore, nothing prevents such a sacrament from being considered valid. To the first reason, it is replied that the virtual sorrow, which is presumed in the case of forgotten perjury (included in that specific detestation of the confessed theft), is not sufficient material for the sacrament, since it is not in any way made sensible, either through confession or otherwise. To the second reason, it is replied that the Council speaks of what happens by itself and ordinarily, and not of what happens accidentally and rarely. Furthermore, it is always advisable, and indeed necessary, to elicit sorrow from a general motive; indeed, in the case where a person realizes that he may have other mortal sins forgotten.

445. – Question IX. Must the act of sorrow precede not only absolution,

but also confession? The first opinion affirms this, and Laym. c. 4. n. 31, Pal. part. 7. num. 14, as well as the Council and Bonasp. apud Conc. p. 232. num. 3, hold this view. The reason is, firstly, that sorrow, as the material of this sacrament, must be sensible, and otherwise is made sensible only through confession; therefore, if it follows confession, it is not suitable material; secondly, that confession should not be a simple narration, but a sorrowful accusation, directed towards obtaining remission of sin, and therefore it is necessary that it be informed by sorrow. The second opinion, however, which is more common, denies this, and is held by Suar. disp. 20. sect. 4. n. 31, Bon. part. 2. n. 48, Lugo dist. 45. n. 43, Nav. Man. c. 4. n. 22, Holzm. n. 508, as well as Dic. Tol. Fill. Major, Henr. Fag. etc. apud Salm. de pænit. c. 5. p. 4. n. 24, and the Council, which considers it very probable, and is supported by the Rituale Romanum de Sacram. pænit., which says: "After hearing the confession (the confessor) will endeavor to lead him to sorrow with efficacious words, etc." From this, it appears that the Rituale assumes that sorrow elicited after confession is sufficient. But, as Salm. ibid. n. 26 rightly points out, this second opinion, in the sense in which it is explained by Suarez and Dicastillus, does not differ from the first; for Laymann, Coninchius, and Palaus demand nothing other than that confession should not be a mere narration of sins, but should be a sorrowful accusation of oneself, tending towards obtaining absolution, as Coninchius explains. Then, Laymann, with Palaus, says: "It is required that sorrow in some way precede confession, because the external confession of sins must proceed from internal penance, and signify it, since the material of the sacrament is not merely the explanation of sins, but an accusation of oneself, tending towards absolution."

[*Latin ed. p. 276*]

Furthermore, following Suarius, he adds: "In order that Confession be sacramental, it is necessary that some sign of sorrow of mind be manifested after the recounting of sins, at least by humbling oneself before the priest and requesting, or awaiting, absolution; for such a sign, related to the sins just explained, truly constitutes the sacramental nature of the accusation. Therefore, these are not two separate things, but one; for Laymann and others only require that Confession be sorrowful, or that sorrow precede Confession, to the extent that they demand that Confession not be merely a recounting of sins, but have the character of a sacramental accusation; and this is sufficient if Confession is made with the intention of obtaining absolution, and then sorrow is manifested, at least by requesting or awaiting absolution; thus, Confession becomes truly sacramental." Furthermore, Salmant, cited in note 26 at the end, adds that confessors often, if they doubt the internal disposition of the penitent, should encourage him to feel sorrow for the sins just explained, which is done by saying: "I am sorry for the sins recounted, and I accuse myself."

Question: For how long must the act of sorrow endure morally in order to validly receive the sacrament? Suarius, dist. 20, sect. 4, no. 29, and Escobar, lib. 14, no. 121, along with Soto, Hurtado, and Candido, believe that sorrow is sufficient if it has preceded Confession for a long time, provided that it is not retracted. However, this is not approved by the Fathers of the Council, p. 233, no. 4. Others, such as Cardenal in proposition 4 of Innocent XI, p. 65, no. 88, Holzmüller, no. 540, and Diana, part 5, tract. 14, resp. 67, along with Præp and Gran, say that sorrow preceding by one day is sufficient, provided that it was elicited in order to Confession; for since Confession is the effect of that sorrow, the sorrow virtually perseveres. Rone, cap. 3, quest. 2, resp. 2, agrees, even if the sorrow preceded for several days, provided that (as this author says) it virtually perseveres in some way, for example, if the penitent, because of the sorrow felt, continues in frequent prayer, avoids occasions of sin, and practices penances, etc. But Croia, no. 706, believes that if, after the elicited sorrow, the penitent turns to other things, or if, through a noticeable delay, he distracts himself with other matters, in practice, sorrow must be renewed briefly. However, this seems rather to be a recommendation than a precept, since the Doctors, along with the Fathers of the Council, commonly teach that there is a good analogy between the civil forum and the sacramental; therefore, a certain time interval can well intervene between the discussion of the case and the judgment, but not as much as in the civil forum.

(1) In Hom. Ap. tract. 16, no. 19. As in previous editions of this moral theology, he holds a probable affirmative opinion and therefore considers it to be followed in practice, but later he seems to have changed his opinion, the Council of Trent showing both opinions, and demonstrating that Confession can be sorrowful even if the act of sorrow does not precede Confession itself.

(2) "I do not hesitate to assert that, whenever Confession derives from the sorrow for sins."

[*Latin ed. p. 277*]

447. — It is inquired: Whether, for sorrow to be suitable matter, it must be elicited with the intention of confession? Lugo, *Disputationes*, 14, no. 37, denies this, as do Sporer, Moya, and others, cited in *Conciliorum Decreta*, p. 232, no. 2. Tambini, however, considers it probable, *1.4, c.2*. The reason is, first, because, according to the Council of Trent, Session 14, chapter 4, that contrition is said to dispose one to receive the grace in the sacrament, which excludes the will to sin, with hope of mercy; and all of this is verified in our case. Secondly, because, although the sorrow may not be ordered to confession by a preceding relation, it is nevertheless ordered by a consequent relation, since it is then that the sorrow is manifested through confession. Busenbaum, *supra*, Bonaventure, *Quaestiones Sententiarias*, 3, part 2, no. 47, and the Council, *1, c.* (Suarez is also cited for this opinion,

dist. 20, sect. 4, no. 29, but Lugo, in the aforementioned place, shows that Suarez is rather arguing for his own opinion), maintain the contrary. The reason is that, just as a minister, or even one receiving other sacraments, must, through intention, order the matter to the sacrament, such as water to baptism, or the laying on of hands to ordination, so too, the one receiving the sacrament of penance must order the sorrow, which is the matter of this sacrament, to it. The first opinion is more probable, but since the second opinion is also probable, the Cardinal, in Proposition 4 of Innocent XI, teaches that the latter should be followed for greater safety.

448. — It is inquired: Whether, if someone immediately after absolution confesses a sin that they had forgotten, they are obligated to elicit new sorrow? The first, more common, opinion denies this, and Lugo, *Disputationes*, 14, no. 27; Anaclasius, no. 72; Viva, *Quaestiones Morales*, 3, art. 3, no. 8, hold this view, along with Perez, Henricus, and others, as cited by Roncaglia, *Capitula Tertia, Quaestio Tertia*, who calls it "morally certain." Sporer, no. 300, and Elbel, p. 214, no. 75, consider it to be highly probable, along with Gobius, Dionysius, Henricus Bose, and others, as cited by Crocia, no. 707; Ledochowski, Salas, Escobar, and Moya, who say that it is "indubitable" among them, but, as we will see, this is not the case. The reason is that the prior sorrow extends even to sins that were forgotten, and when the penitent immediately confesses them, they become one morally; indeed, one proximate, partial matter can rightly constitute multiple sacraments; thus, just as one water can constitute multiple baptisms, so too, one sorrow, which still perseveres (as is assumed here), can constitute multiple sacraments of penance. The second opinion affirms this, and Bonaventure, *Quaestiones Sententiarias*, 4, no. 4; Vasquez, *Quaestiones Disputatae*, 92, art. 3, dub. 5, no. 40; and Fillon, *Tractatus*, 6, no. 77, hold this view. The reason is that, through the first absolution, the judgment is already complete; therefore, if a new absolution is to be given, new proximate matter is required. And although the sorrow morally perseveres in itself, it does not persevere in order to the second absolution; for, as we said in the preceding Question XI, the sorrow always virtually perseveres for at least one or two days, since that confession is an effect of the sorrow. However, this is different if someone confesses out of mere devotion, or to fulfill a vow or penance. "Thus, St. Alphonsus, in *Elucidarium Apostolicum*, *Tractatus*, 16, no. 29." *N.d.s.*

[*Latin ed. p. 278*]

It is probable that, for the validity of the sacrament, sorrow is required, not merely elicited, but elicited in order toward absolution. Therefore, since this second opinion is probable, indeed more probable, Croix (number 712) and the Council (page 234, number 5) state that it should be followed in practice; at least, I consider it safer to hold (4). 449. — Question XIII: How should sorrow be elicited in confession for venial sins? It is certain that,

even outside the sacrament, some movement of grace or charity suffices for the remission of venial sins, as taught by D. Th. 3, p. q. 87, art. 2; however, within the sacrament, formal sorrow is absolutely required, and virtual sorrow is not sufficient, as commonly taught by the Doctors, including Roncaglia, c. 2, q. 2, Council (page 235, number 6), and Croix (number 682) (contrary to a few), from D. Augustine, Epist. 48, where he wrote: "Nor should you think that anyone can pass from any sin, whether great or small, to correction without penance." But it is doubted (4) whether it is mortal to confess venial sins without any sorrow? Natalis, Alex. de pænit. art. 7, reg. 20, Juenin. de sacram. pæn. q. 4, §. 2, and Genettus, t. 4, q. 8, at the end, deny this, and say that it is only venial to receive the sacrament without certain sorrow, when only a slight matter is presented in confession, and the soul is not intent on profaning the sacrament; because, as they suppose, to frustrate the sacrament in a slight matter is only a slight irreverence. But, although I have tried to agree with this opinion, I have not been able to, since this opinion is contrary to the common opinion of theologians, as can be seen in Croix (number 684), Antoine (page 501, q. 7), and Lugo (dist. 14, sect. 8, number 408), who call the first opinion entirely false; and the reason is very compelling, for all the malice of sin in this case consists in the injury that is done to the sacrament, by frustrating its effect; whether the sacrament is frustrated by a grave matter or by a slight matter, it makes no difference, because the same irreverence is always done to the sacrament. It is doubted (2) whether it is sufficient in confession of venial sins to be sorrowful about one sin without another? Some deny this, as in Suar. dist. 20, sect. 6, number 7. But the opposite is to be held, in accordance with the common opinion, as taught by Suarez (loc. cit.), Council (page 235, number 7), Antoine (page 504, q. 7), Lugo (dist. 14, number 418), with Henr. and Fag., and Escob. (l. 14, number 466), with Hurt. and Diana. Therefore, it is sufficient to do penance for only one venial sin, and to propose, since venial sins are not a necessary, but only a sufficient, matter. Lugo (number 433), Tamb. (l. 4, c. 3, number 9 and 40), Pal. and Spor. (apud Croix number 910), say that it is sufficient even if one is sorrowful about the multitude, or frequency, of venial sins, even if one is not sorrowful about each one in particular; because, as they say, just as one can be sorrowful about an excess of distraction in prayer, or com-

(1) "And because this second opinion is probable," says St. Alphonsus also in Hom. Ap. tr. 16, number 22, "therefore, Croix and Concina rightly say that it should be followed in practice. However, this is understood before the reception of the sacrament, because after the sacrament has been received, all the opinions opposed to the three preceding questions are already probable," (numbers 445, 446, 447), and therefore, after the fact, we can rightly embrace them." See the important note following (number

450) in the edition.

[*Latin ed. p. 279*]

Regarding the multitude of venial sins. And it seems to favor D. Th. 3. p. q. 87. art. 4. ad 4. where he says that it suffices to have the intention of preparing oneself to diminish venial sins. Therefore, sorrow about their multitude is sufficient, for intention follows sorrow. However, Arriaga and the Dicast. apud Croix l. c. object, saying that sorrow, and intention should not only be about improving the multitude, but also about the individual venial sins, which constitute the multitude. But these opinions seem easily reconcilable, since it is impossible to be sorrowful about the multitude, and not to be sorrowful at least about those subsequent sins, through which the multitude is constituted, because this circumstance cannot be entirely abstracted from the sins themselves: otherwise, one would at least be sorrowful about the sins, and directly and principally about the excess. Croix also rightly says in n. 913, with Suarez and Tann., (against Bosco, etc.) that everyone can be sorrowful about deliberate venial sins, and intend to avoid all of them; but with regard to semi-deliberate sins, it is sufficient to be sorrowful that one has committed them, and to desire to attend to avoiding them in the future, as far as human frailty permits. And this is according to the teaching of D. Thomas, who in q. 87. art. 4. ad 4. says: "Penitence for mortal sins requires that a man propose to abstain from all and each... but for the penance of venial sins, it is required that a man propose to abstain from each, but not from all, because the weakness of this life does not allow it. He must, however, have the intention of preparing himself to diminish venial sins."

§ II. Regarding questions pertaining to intention. 450. — It is questioned: I. Whether in the sacrament of penance, a virtual, or implicit, intention, included in sorrow, is sufficient. The first opinion denies this, and Suarez dist. 2. sect. 4. num. 34, Bellarmine lib. 2. de pænit. c. 6. and 7, Bonac. q. 5. part. 8. nu. 2, Conc. p. 237. n. 15. with Scotus, Cajetan, etc., and also Val. Tolet. Reg. Hen. and apud Croix n. 894, hold this opinion, who says that the opposite opinion is not certain. The reason is that, although sorrow necessarily includes intention, the Council of Trent, session 14, c. 4, requires a formal intention; saying, "with the intention of not sinning any further." The second opinion affirms this, provided that sorrow is elicited from a universal motive, and Lugo dist. 14. nu. 52, Carden. in prop. 1. Innoc. XI. (who calls it morally certain), Lxym. c. 4. n. 6, Anacl. n. 49, Viva quæst. 3. ar. 3. n. 4, Elbel n. 87. with Mastrio, Sporer, Gobat, etc., and also Salm. de pænit. c. 5. p. 4. n. 54. with Nav. Fill. Vill., hold this opinion. The reason is that the Council, in the place cited, adds that attrition, if it excludes the will

to sin with hope of mercy, prepares a man to...

[*Latin ed. p. 280*]

Carrying the grace in the sacrament; therefore, whenever he has these required conditions, attrition alone sufficiently prepares him for the value of the sacrament. The third opinion, held by Holzmann, no. 401, asserts that, if the penitent thinks about his future life, he must formally propose amendment, because (according to the Council of Trent) everyone must, through penance, strive for a new life; therefore, it does not seem sufficient to repent if, considering his future life, he does not expressly propose to amend. This does not prevent one from saying, with Viva, that the Council assigns only three parts to the sacrament, namely, contrition, confession, and satisfaction; therefore, if a formal purpose were also required, there would be four parts, not three. Indeed, Father Concina responds that contrition consists of two things: namely, sorrow, and an explicit purpose. Otherwise, if the penitent thinks of nothing about the future, suppose someone is at the very end of life; truly, in any sorrow, the necessary purpose is contained, and it is clear that tacit and expressed purposes have the same efficacy. These two last opinions are indeed more probable, but because the first is not without its own probability, in practice, before the act, it is safer to follow it, as Bon. Croix rightly says, page c. I say before the act, because Croix says, no. 680, Viva in prop. 65, Innocent XI, no. 16, Elbel de pœnit. p. 216, no. 84, Gob. and Bon. ibid. with Bellarmine, Suarez, Vasquez, Reg. Henr., that if, in good faith, you have confessed with true sorrow without a formal purpose, you are not required to repeat the confession; because, although it is commonly held that it is not permissible to receive the sacrament with an opinion that is not morally certain, lest the sacrament be exposed to the danger of invalidity; nevertheless, you are not required to repeat the confession if you have probably validly confessed, since that danger no longer exists. Nevertheless, I cannot even agree with this opinion; the reason is, because when the first opinion is sufficiently probable, the penitent who has committed a grave and certain fault is obligated to confess it, not only probably, but also certainly validly (1).

(1) The same St. Alphonsus teaches in book 1, no. 51, book 2, no. 2, and book 6, no. 439, in a note. On the other hand, the opinion is established in Hom. ap. tr. 16, no. 26, but since it is known that the author of the *Magna Moralia* always took great care of it and sought to improve it day by day until the end of his life (which cannot be said of the *Homilia ad Petrum*), that text must certainly be preferred to the *Homilia ad Petrum*, and therefore, in the present question, the author's opinion in the *Magna Moralia* must be held. One might object: that, according to the author's own principles, an opinion that is not probable should not be used in receiving the sacraments, but that, once the sacrament has been received, one must adhere to the value of the act, and therefore, in the present case, a confession that is

probably valid should not be repeated. But we say that, if this were true, we would also be exempt from repeating a confession that was made under the jurisdiction of a confessor who only considered it probably valid, which surely no moralist would deny. Undoubtedly, one must adhere to the value of the act, when the law has been fulfilled; indeed, past confessions are not to be repeated, unless it is known that they were invalid; but here we are not dealing with observing the laws, nor with judging the goodness of the acts of those who receive the sacraments, but with the nature of the sacrament, or with a certain property that is probably required by divine law for the validity of the sacrament. Hence, St. Alphonsus, in book 1, no. 51, also teaches that those who receive the sacraments with a probable opinion.

[*Latin ed. p. 281*]

454. — It is inquired: What are the necessary conditions for a true purpose of amendment? First of all, it must be understood that this is a very difficult matter, because sinners frequently, through habit, fall into mortal sins even when they approach confession with a sincere intention; therefore, the confessor must diligently attend to this, especially if the penitent has a strong attachment to some vice. There are three conditions for a true purpose of amendment, namely that it be firm, universal, and efficacious. I. A firm purpose implies that the penitent has a completely deliberate will not to relapse, and is so disposed in mind that he does not wish to commit sin in the future, either out of fear of any evil or out of desire for any honor. But here a doubt arises: can it be prudently believed that a penitent has a firm purpose when he says that he does not want to relapse, but certainly believes that he will relapse? The first opinion affirms this, and this is held by Nav. Man. c. 9, n. 48 (who asserts the common opinion), Laym. cap. 4, n. 8, Sporer p. 204, n. 310, Pal. part. 2, n. 15, as well as Suar. Sylvest. Con. Henr. Vega, Dio. apud Salm. tr. 6, c. 5, p. 4, n. 53. The reason is that the purpose of the will not to relapse can well be consistent with the judgment of the intellect regarding a future fall, due to known weakness. But, following the opinion of so many learned doctors, I believe the opposite opinion should be followed, which is held by Busemb. supra n. 10, Concina p. 255, n. 3, and Croix l. 6, part. 2, n. 1822, v. Objio. I do not deny that, speaking speculatively, a firm purpose of the will could well be consistent with the knowledge of a relapse; but when someone certainly believes that he will relapse, he practically gives certain evidence that the purpose of his will is not sufficiently firm; for it is impossible for someone to firmly propose to amend, knowing that God does not deny His co-operating grace to one who is doing what is in his power, and yet believing that, despite this, he will return to his sins. Therefore, Croix rightly says in the aforementioned passage that such a penitent, before being absolved, should be disposed to hope that he will be freed from sins, not through his own efforts, but through God's help. Otherwise, it should be said that if the penitent fears

relapse due to his past weakness; for learned doctors commonly say, as Nav. c. 3, n. 43, Croix lib. 6, p. 2, n. 4733, and others, that a serious purpose does not require that one believe that no relapse will follow, but that it is sufficient to have a serious will not to relapse; for it is well possible for the will to repent to be consistent with the fear of relapse due to a change in the will. Hence, Gerson rightly says in tract. 8, super Magnif. part. 3, that the penitent, when asked by the confessor: "Do you believe that you will never fall into such a sin?" should answer as the ministers do, who are bound to repeat the sacrament in such a circumstance. For after receiving the sacrament, there should be no danger of the sacrament being frustrated; however, a merely probable opinion will not suffice, so that, for example, a confession that is probably valid will, after the fact, certainly be valid.

[*Latin ed. p. 282*]

I, being weak, have stumbled, but I do not wish to fall now; regarding the future, I commend myself to the mercy of God, praying that He may keep me from sin; and if my weakness should cause me to fall, I implore Him that I may rise again.

II. It is required that the purpose be universal concerning mortal sins; for as Aversa, Hurtad, and Platell state in Croice, no. 898, that just as particular sorrow is sufficient, so too is a particular purpose, provided that it excludes the positive will to sin; however, the opposite must be held, according to the common opinion taught by Laym., c. 4, no. 20; Pal., p. 2, no. 16; Lugo, dist. 14, no. 52; Concina, p. 259, no. 10; Mazzotta, vol. 7, p. 343; and Croice, loc. cit., with Nav., Con., Tamb., Escob., and others, ad abundantiam, from D. Th., 3. p. q. 87, art. 1, ad 4, where it is said: "Penance for mortal sins requires that a man propose to abstain from all, and each [sin]." The reason is that, although particular sorrow, for example, if it arises from a special shame of some crime, may be sufficient for the validity of confession, since sorrow regards only the sins committed, which the penitent ought to detest; nevertheless, a particular purpose is not sufficient, because everyone is bound to have an absolute and positive will to avoid all mortal sins. Hence, the Council of Trent, Session 14, canon 4, speaking of contrition in general, says, "It is the sorrow of the mind and detestation of sin committed," and it does not say of all sins; but speaking of purpose, it says, "with the purpose of not sinning any further"; but a particular [purpose] does not necessarily imply a universal purpose of avoiding all mortal sins.

Conversely, it is different with regard to venial sins; in these, it is sufficient (as the same D. Th. teaches, loc. cit.) that the penitent propose to abstain from something, without proposing to abstain from all.

III. It is required that the purpose be efficacious, that is, capable of effecting what is proposed; and therefore, it is necessary that the penitent not only propose to avoid sin, but also employ means to avoid sin, and diligently consider the proximate occasions of sin, as is commonly taught

by the Doctors. See Sporer, p. 205, no. 343. However, it is not always true that a purpose is efficacious only when it effects what is proposed; otherwise, whenever the penitent should relapse, he would be required to repeat confessions; for a relapse is not always a sign of a weak purpose, but often a sign of a changed will; for it can certainly happen that someone has a predominant love of God, and a firm purpose never to sin, and nevertheless, immediately sins, as D. Peter truly proposed to die rather than deny Christ, and yet, at the first voice of the maid, he denied. This is indeed confirmed by D. Gregory (Hom. 30, in Evang.), who said: "In the hearts of some, God comes and does not remain...; they return to committing sins, as if these things were of no importance." It is confirmed by the Roman Ritual, which says: "For those who easily relapse into sin, it is most useful to advise them to confess frequently, for example, once..."

[*Latin ed. p. 283*]

In months, or on certain solemn days, they should confess, and, if it is fitting, receive Holy Communion. The principal efficacy of this practice (as we have indicated above) consists in removing proximate occasions of sin, or in employing suitable means to ensure that, if such occasions are unavoidable, they are kept as far removed as possible. Therefore, one must act diligently in these matters.

452. – Question III. How should a confessor act with those who are in a proximate occasion of sin? And here, the following is questioned: 4. What is the extent of the occasion, and what is the extent of the danger of sinning? The occasion is distinguished 4. into a proximate and a remote occasion. A remote occasion is that in which, generally speaking, people who are regularly disposed do not sin. A proximate occasion, as others, such as Nav. Man. cap. 3, n. 14; Bon. de matr. dist. 4, p. 14, n. 14; Laym. de pæn. c. 4, num. 9; Conc. p. 260, n. 13; and Spor. n. 323, define, is that in which it is believed that a penitent will never, or very rarely, abstain from sin. But this definition is not pleasing; it is better to say, with Sanch. Dec. l. 4, c. 8, n. 4; Holzm. n. 500; Lugo d. 14, n. 149; Suar. d. 32, s. 2, num. 4; Cont. Tourn. de peccatis part. 4, cap. 2; Wigandt tr. 5, n. 50; Croiæ lib. 5, n. 252; Viva de pæn. qu. 3, art. 4, n. 5; P. Segneri Conf. instr. c. 5; and Ronc. c. 4, q. 4, r. 4, that a proximate occasion is that in which people generally, and most of the time, do sin; a proximate occasion, however, by accident, or by respect, is that which, although not in itself proximate with respect to others, is proximate with respect to a particular person, either because this person has frequently fallen in that occasion, even if not always, nor frequently, but often; or because, considering his past weakness, his fall is prudently feared. Therefore, they err who say, as Nav. c. 3, num. 47; Lug. dist. 14, n. 150; and Viva q. 3, art. 4, n. 5, along with others, that adolescents are not in a proximate occasion who, while working with women, sin by consent, by words, or by touch, because (as they say) they do not always sin in

such occasions; for, as we have said, it is sufficient for an occasion to be proximate that a person frequently falls into it. It should be noted, however, that sometimes an occasion, which is generally proximate with respect to others, may be remote with respect to a very pious and cautious person, as Holzm. and Croiæ rightly point out.

2. The occasion is distinguished into a voluntary and a necessary occasion. A voluntary occasion is one that can easily be avoided; a necessary occasion is one that cannot be avoided, either physically or morally. The proximate danger, however, is either formal or material. The formal danger is that which is closely connected with sin, so that a person who is in it will probably sin, or will consent to sin; and this (1) See the compendium of this treatise on occasions and relapses in the *Praxis Confessariorum*, which you will find at the end of this work, chapters IV and V, nos. 63 – so. or in *Homo Apostolicus*, ultim. n. 1 – 18.

[*Latin ed. p. 284*]

The danger must always be avoided. However, it must be understood (as Croix rightly points out in book 5, chapter 264) that if the danger consists of a deliberate occasion, and not merely a simple temptation or inclination, then it is considered material. A material danger is one that is not closely connected with sin, but only remotely connected, due to the necessity and the means that a person employs to avoid sin; thus, it can happen that the occasion itself is close at hand, while the danger is remote. This can occur, for example, in the case of a surgeon who, while treating a young woman in a secluded area, would be in a very close occasion for sin; but, if he uses due precautions, pious thoughts, prayers, and a declaration of his intention not to consent, he can well be excused from guilt, because in that case, with divine grace, the danger would be remote and material. See Croix, book 5, chapter 264.

From the foregoing, it follows that one is in a proximate occasion who keeps a woman at home with whom he has often sinned. And it should be noted that if a person does not have a woman at his disposal with whom he sins, but rather sins with her whenever he visits her home, then visiting that place will be a proximate occasion, even if he only visits once a year and sins.

2. One is in a proximate occasion who frequently falls into blasphemies or fraud in a game.

3. One is in a proximate occasion who, in a certain house, tavern, or gathering, falls into drunkenness, quarrels, or lewd words or gestures. Such penitents should not be absolved regularly unless they first abandon the occasion. Similarly, those who, although they do not sin in the occasion, give scandal to others, cannot be absolved, as is commonly taught by Palaus, treatise 2, distinction 2, part 9, number 19; Bonaventure, *De Matrimonio*, distinction 4, part 14, number 12; and Salm, treatise 6, chapter 5, page 4,

number 62, with Navarrus, Graffius, and Candida, and Lopez.

Croix, book 5, chapter 269, and Contraro, in the same place, with Cabassol, add that when an external occasion is joined with a passion, or a strong temptation, or a vicious habit, or a strong temptation, he sins who does not leave it, even if the temptation has not yet ceased; for it rarely happens that such a person will restrain himself if he is not separated from the occasion. Therefore, Contraro, in the same place, says that a young woman who is strongly solicited by a man is obliged to leave that house; for if she remains freely in a place where she is so dangerously tempted towards evil, she cannot reasonably hope for victory over temptation, unless by extraordinary graces, which she cannot reasonably expect from one who is free to avoid the danger and does not avoid it.

However, these things must be understood if such a person is weak and not very devout; for if she were devoted to piety, and cautious, and used appropriate remedies to repel temptations and overcome passion, then I would not require her to remove herself from the occasion.

Roncaglia, chapter 5, question 8, says that absolution should not be denied to a young man and a young woman who intend to enter into marriage at some point; for no one is obliged to live with an unknown person, but they can, for a time, test each other's character. This assertion seems reasonable in a speculative sense; but I...

[*Latin ed. p. 285*]

Having been instructed in prudence, I would scarcely allow the betrothed to visit the home of the betrothed, nor would I allow the betrothed or her parents to receive him in the house, for it is rarely found that anyone, in such a visit, does not sin, at least in words or thoughts, since all the glances and conversations between such betrothed are incentives to sin, and it is morally impossible for them to treat each other without feeling base impulses towards those things that will be theirs in marriage. In all these matters, especially where the danger of shameful lapses is present, let the diligent confessor take care never to act more harshly with the penitent than with kindness, and the more severity he shows, the better he will serve the salvation of that person. Saint Thomas of Villanova (Fest. 6, after the 4th Sunday of Easter, Quarto) calls confessors impious who do not distress the penitent, allowing him to remain in his wickedness. Nor should the confessor be disturbed if the penitent says that scandal will arise in such cases if he does not visit that house again after confession, if he drives the woman away, or avoids a similar danger; for he should advise him that it will truly be more of a scandal if, after confession, he does not remove the occasion, for either others are ignorant of his sin or danger, and then they will suspect nothing, for example, if someone dismisses a servant, or if he abstains from visiting a certain house; or else others have already noticed it, and then he will rather regain his reputation than lose

it. From all of this, I conclude that, ordinarily speaking, a penitent who is in a proximate and voluntary occasion of sin should never be absolved, even if he brings extraordinary signs of sorrow, before he removes the occasion; for an external occasion, especially when it concerns a shameful vice, when it is present, so blinds the mind that it erases all intentions from memory, and drives one to sin so that someone, even if he knew that his certain damnation would follow from that sin, would still not refrain from it. See below, n. 454. 453. — Doubt 2. Can someone be absolved who exposes himself to a probable danger of sinning? Mendo, Gobinus, and Caramuel, apud Viva, in prop. 41, condemn this, as does Alexander VII and Hozes, Lumbroso, etc., apud Croix, l. 4, n. 257, and Sporl, n. 324, agree, provided there is a reasonable cause; for (as they say), since it is probable that he will sin, and it is probable that he will not sin, he can form a certain conscience, and therefore the practical judgment will not be sinful. But we have already refuted this opinion in l. 2, n. 63, with Busembach, Croix, Cardenal Elizondo, etc. Here I add the authority of Saint Thomas, 2nd 2nd, q. 40, a. 9, where he expressly condemns this, saying: Those who are weak in faith, of whose downfall one can reasonably fear, are to be prohibited from communion with the infidels. The reason is that, when there is a probability of falling, there is already a formal danger of falling, which (as we have said) must always be avoided when the occasion is voluntary; otherwise, if it is necessary (as we have said in l. 2, n. 63, concerning the doctor and the parish priest). Indeed, they rightly think...

[*Latin ed. p. 286*]

Pal. t. 1. tr. 2. d. 2. p. 2. §. 3. n. 9. citing Suarez and Soto, Bann. in *Controversiae de Præceptis Decalogi*, cap. 1, art. 3, sect. 4, punct. 1, after conclusion 2, vol. Major; also Salm. Val. and Azor, cited in l. 3, n. 26, see Parter, who states that in extreme spiritual necessity, one can not only assist one's neighbor, but is obligated to do so, even with a probable danger, because in such a case, necessity makes the danger remote; therefore, if one can, one is obligated; and this is taught by the same St. Thomas, in the location cited shortly, where, after saying that those of whom one reasonably fears for their salvation should be forbidden from communion, he adds, "unless necessity compels." However, Cont. Tourn. in the cited location, with Sylvio, states the contrary, that if the danger is such that a fall is more probable, then in no way can one, nor should one, expose oneself to that danger, because everyone ought to consider their own salvation more than that of others. But to this one could respond that in such a case of extreme necessity, even if a fall is more probable, one is obligated to take greater precautions through prayer and pious works, and then to trust in greater help from God; for it would be reasonable to hope that God would increase his help where a greater necessity arises.

454. — Objection 3. Can a penitent who is in a proximate, voluntary

occasion of sin ever be absolved? First of all, it is necessary to note four propositions condemned in this matter: I. Proposition 41, condemned by Alexander VII, stated: "A concubinarius is not obligated to expel his concubine, if she is very useful for the pleasure of the concubinarius (commonly called 'regalo'), as long as, if she were to leave, he would live very poorly, and other entertainments would cause the concubinarius great boredom, and another servant would be very difficult to find." II. Proposition 64, condemned by Innocent XI, stated: "It is possible for someone who is in a proximate occasion of sin to be absolved, which he can and does not want to avoid, but rather directly and intentionally seeks out, or puts himself in that situation." III. Proposition 62, condemned by the same Innocent, stated: "A proximate occasion of sin is not to be avoided, when some useful or honest reason for not avoiding it arises." IV. Proposition 63, stated: "It is permissible to directly seek out a proximate occasion of sin, for one's own spiritual or temporal good, or for the good of one's neighbor." But the question arises, whether one who has not yet removed the proximate occasion of sin can be absolved the first or second time? The first opinion affirms this, and many authors hold this view, as Suarez states in d. 32, sect. 2, n. 3; Pal. t. 2, tr. 2, dub. 2, p. 9, §. 3, n. 48; Spor. n. 325; Elbel n. 408; Mazzotta t. 3, p. 577; Viva in prop. 41, condemned by Alexander VII, n. 46 (citing Cajetan and Corduba, but P. Milante denies that these authors hold this view), and Holzm. t. 2, p. 148, n. 584, with Tamburini and the common opinion, as he asserts: and Ronc. c. 4, q. 2 agrees, for the first time, in the case where the penitent has not yet realized the obligation to remove the occasion. The reason is, (as they say), that such a penitent may be well disposed for absolution, even if he has not yet removed the occasion.

[*Latin ed. p. 287*]

Having dismissed [the penitent], if he truly intends to dismiss [the occasion]. But here, a distinction must be made, as Saint Charles Borromeo taught (in his instructions to confessors), between occasions that are actually present, such as when someone keeps a concubine at home, or when a female servant sins with a man, whenever she is tempted by him: and occasions that are not actually present, such as when someone, jesting, utters blasphemies, or when, in taverns, he breaks out into quarrels and insults, or when, associating with companions, he indulges in obscene words and thoughts, etc. In occasions of the latter kind, which are not actually present, Saint Charles rightly teaches that, if the penitent firmly intends to avoid them, he can be absolved one, or even two, or even three times. But if, afterwards, no improvement is seen, absolution should be postponed until he effectively abandons the occasion. However, in occasions of the former kind, which are actually present, Saint Charles says that the penitent should not be absolved the first time (no matter what promises he makes), unless he first removes the occasion. And I believe that this opinion

(at least, speaking generally) should be followed entirely; and it is held by Cardenas in proposition 61, condemned by Innocent XI, along with Bon. Villal. and Candido, *Controversiae de Peccatis*, part 4, chapter 2, appendix, Regulation 1, page 658, number 1. P. Segneri, *Instructiones Confessariorum*, volume 5, number 227. Also, the author of the book entitled *Instructiones per li Confessori novelli*, volume 4, number 227. Also, Nav. Man., chapter 46, number 20, where he says: "A man living in concubinage should not be absolved before he separates himself from the concubine." *Conciliaria*, d. 8, de pænit., d. 47, number 443, which states: "Those who live in concubinage should not, in any way, be absolved outside of a case of grave necessity, before they actually separate themselves." Azor, page 8, book 3, chapter 3, question 2. The response is that he cannot be lawfully absolved before he separates himself from her [the concubine]; also, Rodr. Sylv. Fernand., *Margarita*, etc., in Pal. dict., number 18, quoting from Saint Augustine in *De Satisfactione*, dist. 3, where he says: "The satisfaction of penance is to remove the causes of sin, and not to allow access to their suggestions." Therefore, the penitent is obligated to remove the occasion before absolution, otherwise he would not prevent access to the suggestions. Reason 4 for this opinion (as Cardenas says) seems to be that the first opinion seems to be condemned in the aforementioned proposition 61 by Innocent XI. But this reason is not convincing; for one thing is to be able to be absolved by someone who does not want to omit the occasion, as the proposition said, and another is someone who, although he does not want to omit it before absolution, does, however, truly want to omit it immediately after absolution. Reason 2: because the precept of removing a voluntary occasion is negative, that is, not remaining in the occasion (as is the precept of not retaining what belongs to another), and this obliges always and at all times: therefore, he who can immediately remove the occasion, and does not remove it, is in actual transgression of the precept, and is therefore not disposed [for absolution]. But this reason does not entirely satisfy, or at least it must be understood only in the case where the penitent does not want to remove the occasion immediately after absolution, and only promises to remove it in the future; but if the penitent firmly proposes in the act of confession.

[*Latin ed. p. 288*]

He should remove the occasion immediately and return home; I do not see why it should be said here that he is indisposed, and that he is contravening a precept. The reason that seems to me to be the stronger and truer one is this: the removal of an occasion is a very difficult thing, and it is not accomplished unless someone exerts a great effort to be detached from that occasion, to which he remains very inclined because of a previous attachment of his mind; and therefore, if the occasion is not removed before absolution, the penitent will easily deceive himself after absolution, falsely

persuading himself that he is resisting temptations, and thus, with the occasion still present, he will certainly return to his former state. Regarding this, if someone wished to be absolved before removing the occasion, he would be indisposed, because he would be placing himself in a probable danger of breaking his resolution; and therefore, the confessor, by absolving him while he remains in such a danger, would certainly sin against his office, just as much as a doctor would, by absolving him, not applying to him the remedy necessary for his salvation. Someone might say: A penitent who has a probable opinion in his favor should be absolved, because, since he is disposed, he has a right to absolution, according to what is said in number 604. Therefore, if someone were to form in his conscience a probable opinion according to the first judgment, the confessor would be obligated to absolve him. The answer is: 1. That it is illicit (as we said above in number 453) to voluntarily expose oneself to a probable danger of sin; therefore, the penitent sins who wishes to receive absolution before removing the occasion, because he places himself in a probable danger of breaking his resolution, and therefore, as being indisposed, he has no right to absolution. The answer is: 2. Granted that the penitent may be absolved once or twice before the occasion is removed, nevertheless, as the Doctors commonly say, and as even the opponents concede, the penitent does not have a right to be immediately absolved; and therefore, it is right that the confessor, as a doctor, may postpone absolution until the occasion is removed. I have said this ordinarily; but it must be excepted, 1. as Lugo states in book 14, number 151, Holz in number 586, and Spor in number 325, in the case where the penitent brings extraordinary signs of sorrow, because then, because of such signs, the confessor can prudently judge that there is no immediate danger of the penitent breaking his resolution; for those signs indicate that the penitent has received a greater grace, with which he will be more steadfast in removing the occasion. Nevertheless, says Roncaglia, that even in this case he would postpone absolution until the occasion is removed, if absolution could be conveniently postponed; and so I would also act. It must be excepted 2. as Viva states in the place cited above, in the case where the penitent, if absolution is postponed, cannot return to the confessor, or can only do so after a long time; then, if he has already confessed his sins, and the confessor can prudently judge that he has a firm will to remove the occasion immediately and as soon as he can, then he can and should absolve him.

[*Latin ed. p. 289*]

To absolve, so that the penitent, being contrite, has the right to be absolved immediately. It does not impede to say that he would then remain in the same danger of violating his purpose (as will soon be said). For it is answered that, in this case, such a danger is remote: just as the penitent is not obliged to remove the occasion, because of the grave damage (as will

be said below), since the danger itself, because of that necessity, becomes remote; so in our case, the danger of violating his purpose is remote because of the great burden that the penitent would have to bear by repeating his confession with another; for then he is constituted in a moral necessity of receiving absolution, before abandoning the occasion. However, this is not to be admitted if the penitent has already been warned by another confessor about the occasion to be avoided, and has not removed it; because he is then considered a recidivist, and is by no means to be absolved, unless he brings forth extraordinary signs of sorrow, as above.

455. — Doubt 4. Can those who are in a proximate, necessary occasion be absolved? As we have indicated above, an occasion is said to be necessary, which cannot be abandoned, either physically or morally; physically, namely, if someone were in prison or on a ship, from which he could not leave; or if he were at the point of death, in which he would not have time or means to send away a friend; morally, namely, if the occasion could not be removed without scandal; in these cases, he can be properly absolved, even without removing the occasion, since the penitent is not obliged to remove it at that time. But the doubt arises whether someone can remain in a proximate occasion, if otherwise he would have to suffer a notable temporal detriment in life, reputation, or fortune? Merdesius denies this in *de pœnit.* diss. 4, n. 44, saying that no one is excused from removing a proximate occasion for any temporal damage; and Wig. agrees in part in tr. 5, n. 50, where he says that there is an obligation to remove the occasion, even if infamy is to be suffered. However, it is commonly affirmed by Doctors that the penitent is not obliged to remove the occasion, if otherwise he would suffer a grave temporal damage, provided that he is meanwhile prepared to use the prescribed means; thus Nav. Man. c. 3, n. 20; Sanch. Dec. l. 4, cap. 8, n. 3; Lugo d. 14, n. 152, with the common opinion; Pal. tr. 2, d. 2, p. 9, § 3, num. 8; Cont. Tourn. de peccat. part. 1, cap. 2, append. Reg. 3; Anacl. p. 649, n. 46; Holzm. n. 580; v. Dixi, Bonac. de matr. q. 4, p. 14, n. 41; Viva qu. 3, a. 2, n. 6; Elbel num. 104; Laym. c. 4, n. 9; Renzi c. 2, sect. 1, qu. 15; Sporter num. 326 (who, however, in n. 328, with Palao, does not excuse someone who is only moderately wealthy from not abandoning the occasion if he would have to suffer a loss of one hundred ducats); and Concina agrees in p. 265, n. 47, if the penitent were to suffer infamy or a very serious detriment by abandoning the occasion. The reason is that the occasion of sin is not in itself a sin, nor does it bring about a necessity of sinning; therefore, it is possible to be in it with true detestation of sins, and a firm purpose of not relapsing, and of using the due means.

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Remedies. And although the precept of avoiding occasions obliges one, by its very nature, not to remain in an occasion, it must be understood that this obligation does not apply when one remains out of necessity; rather,

a moral necessity arises when one cannot, without great detriment or inconvenience, avoid the occasion; indeed, then the formal and proximate danger, with suitable means employed to prevent relapse, becomes material and remote; for it is not he who is in danger who perishes in it, but he who loves danger (as is said in Ecclesiasticus 3:27), but he who is forced into it does not love danger. Hence, St. Basil (in Constit. Mon. c. 4) rightly said: "He who, for some urgent cause and necessity, exposes himself to danger, or allows himself to be in it, although otherwise he would not, is not so much said to love danger, as to be forced to endure it; and therefore God will provide more carefully that he not perish in it." This is also sufficiently confirmed in the chapter "Laudabilem" concerning frigidity and malice, where it is stated: "If both (speaking of spouses who are impotent from the beginning) consent to be together, the man, although he does not have her as a wife, at least has her as a sister." Therefore (as Sanchez notes), in order that they may not suffer shame, it is permissible for them to live together, even though they are exposed to the danger of contact. The remedies for those who are found in a proximate occasion, especially of a shameful sin, are, in particular, more frequent prayer, frequent use of the sacraments, daily renewal of the promise before the image of the Crucifix not to sin again, avoiding being alone with a woman, avoiding the sight of a temptress, and similar things. Hence, Sporer, no. 322, with Busemb., as above, Mazzotta, vol. 3, p. 574, Pal., l.c., no. 12, with Graff., Fernand., etc., Laym., c. 4, n. 9, with Nav., cap. 3, no. 14, Sanchez, Sa, Henr. Cajet., and Philiarch., state that those who do not want to leave a place where they sin, because they cannot do so without great difficulty, should be absolved, if they are willing to employ remedies. The same is said by Viva, qu. 3, art. 4, n. 9, concerning surgeons who treat women, and concerning pastors who, in hearing the confessions of women, sin repeatedly, if they could not otherwise live according to their state. See the statements in l. 2, n. 63, vers. Queritur, 456. These opinions are very probable; however, in practice, everyone agrees that absolution should be postponed for those who are in a proximate, even necessary, occasion. Indeed, I will frankly say what I think about this matter: I would never absolve someone who is in an external proximate occasion (for I will speak differently about internal occasions later), especially if the occasion is of a shameful matter, if absolution could always and absolutely be postponed. I believe that the confessor, like a physician, is obligated to provide the most suitable remedies for his penitent, so that he may achieve his salvation; and I believe that no other remedy can be more suitable for one who is in a proximate occasion than the postponement of absolution; for experience teaches that penitents, after being absolved and departing, most often neglect their duties.

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The prescribed remedies should be employed, and thus, they are easily

remedied. Conversely, when absolution is denied to them, they strive more diligently to seek remedies and to resist temptations, spurred on indeed by the fear that, when they return to the confessional, they will again be dismissed without absolution. And in the case where a penitent, having previously been warned by another confessor, has neglected the prescribed remedies and has relapsed in the same manner, I say that he should be dismissed without absolution, unless he exhibits extraordinary signs of sorrow. And even to this one, having been granted extraordinary compunction, I would, speaking ordinarily, deny absolution, when it could conveniently be postponed. Perhaps, in saying this, I will seem too strict to some; but I, having offended penitents entangled in the snares of such occasions, have always acted thus, and I will always act thus; for in following this path, I do not consider myself to be strict, but rather most benevolent towards them, since no other method seems to me more suitable to rescue them from sins and from eternal damnation; and on the contrary, I would believe that, if I were to grant them the absolution they seek through excessive leniency, I would be the cause of their miserable corruption in vices. Let everyone abound in their own judgment. I wish that all confessors would behave in this manner towards such penitents, and far fewer sins would be committed, and many more souls would avoid ruin! I believe, and I say, that when it is a question of freeing a penitent from a formal sin, even if it is permissible for him to remain in a material sin, then the confessor should, as far as Christian prudence allows, use more lenient opinions, firmly supported by a solid foundation. But when more lenient opinions lead closely to the danger of a formal sin, as happens in this matter of proximate occasions, I say that the confessor should use stricter judgments; thus, he will better advise the salvation of his penitents.

457. — Doubt 5. Can one who, even after employing all remedies, always relapses in the same manner, be absolved, unless he first abandons the occasion? The first opinion, held by Lugo de pæn. d. 14. n. 457, Pal. t. 2. d. 2. p. 9. n. 3, Holzm. de pæn. num. 583, and also by Gob. Faber, Pallav. and others apud Croiæ l. 5. n. 261, and which Tamb. in Meth. Conf. l. c. n. 10 considers probable, says that he can be absolved as many times as he has sufficient sorrow and purpose. (However, Lugo, n. 160, notes that, when someone easily relapses immediately after confession, he is considered to lack true sorrow and purpose, and therefore should not be absolved). The second opinion, however, which is truer, and which is held by Busemb. suprā num. 449, Ronc. de pæn. c. 4. q. 3, Cont. Tourn. loc. cit., Viva in prop. 41, Alex. VII. n. 17, with Suar. Nav. and Reg. Mazzotta t. 3. v. 577, who calls it the common opinion; also by Caj. Tann. Carden. and others with Croiæ l. cit., who calls it the true opinion, holds that this person cannot be absolved, unless he abandons the occasion, with the pact of a better life, if

it is possible, when no

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Amendment, nor does any probable hope of amendment appear. Reason: because a person is obligated to avoid, with every circumstance, the proximate danger of formal sin. And although, sometimes for a just cause, the danger of sin may be permitted, never can the sin itself be permitted; but when no hope of amendment appears, the danger is certainly proximate and formal, and cannot be separated from sin, and therefore it must be avoided altogether, even with some temporal loss, even of life. Here is quoted Mark, chapter 9, verse 46: "If thy eye offend thee, pluck it out: it is better for thee that one of thy members should perish, than that thy whole body should be cast into hell." And elsewhere, Luke, chapter 9, verse 25: "For what doth it profit a man, if he gain the whole world, and lose his own soul? or what shall a man give in exchange for his soul?" In Lucca: Therefore, this man could not be absolved for the first time, since the same danger was present. I answer that the reason is different, for when the occasion is necessary, by means of remedies, the materially proximate danger becomes formally remote; but when, with remedies applied, there is no hope of amendment, the danger becomes formally proximate, and therefore it must be avoided altogether, with any inconvenience. But (says St. Charles in the Instruction for Confessors, speaking of a girl who had a necessary occasion at home) if the confessor finds the penitent relapsing into that sin, after similar precautions, absolution must be entirely denied, until she has abandoned the proximate occasion of sin, whatever may happen. Hence, in chapter *Falsas* 6, on penance, dist. 5, and in chapter *Fratres* 8, ibid., it is said that one's superiors should dismiss soldiers, merchants, officials, etc., who know that they cannot exercise those duties without sin; thus speaks St. Gregory VII in the cited passage, chapter *Falsas*: Therefore, whoever is a soldier, or a merchant, or is devoted to any office which he cannot exercise without sin (difficulty is noted, the Glossary observes, not impossibility), if, after committing more serious sins, he comes to penance, he must recognize that he cannot perform true penance unless he abandons his business or office. Innocent II confirms this more clearly in the cited chapter *Fratres*, saying: "A false penance is also made when the penitent does not withdraw from an office, whether it be official or commercial, which cannot be performed without sin in any way." Otherwise, it is said with Holzmann, n. 583, Layman, on penance, chapter 4, n. 10, and Sporer, n. 326, with Sanchez and others, if such a penitent brings extraordinary signs of sorrow at the present time, then indeed the hope of amendment shines forth. 458. — Here, for the completion of this point, it is added what was handed down by the Most Reverend Charles Borromeo in the Instruction for Confessors, where, distinguishing between occasions that are proximate in themselves and lead to sin, such as keeping a concubine

at home, and occasions that are proximate to sin because of the bad habits of someone, he said: "If a penitent is in one of these occasions, and that occasion is urgent, as in the case of someone who supports a concubine, then..."

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It is undoubtedly the duty of the confessor to grant absolution (understand, even the very first time), unless the penitent has previously removed this occasion. For other occasions (which are less compelling), such as gambling, frivolous pursuits, conversations, gestures, etc., absolution is not granted unless the penitent promises to abandon them. But if he has already promised to do so, and has not reformed, absolution should be deferred until he acknowledges his reform. Then he adds: Regarding actions that lead to sin, such as attending public dances, frequenting immoral people, taverns, and the like, if a person becomes accustomed to sinning on these occasions, he should not be absolved unless he completely abandons them. If, however, it seems to the confessor from the penitent's first or second promise that he will abandon this occasion, he may absolve him; but he should defer absolution if he does not keep his promises, until he acknowledges that he has completely abandoned the occasion. And because it may happen that the penitent cannot abandon these occasions without danger (understand, danger to his soul, life, reputation, or property), or scandal, he must take measures; and first, absolution should be deferred (it is to be understood that even if the penitent confesses his sin for the first time) until he shows signs of amendment. If, however, a scandal should arise for the penitent (that is, if he will incur disgrace unless he communicates at that time), and the confessor perceives such signs of contrition in him (as he judges it prudent to do), and observes the proper disposition for receiving remedies, then he may absolve him. But if the penitent has not reformed (that is, even after taking measures), he should not be absolved until that occasion has been removed.

459. — Question IV. Can those who are habitual or recidivists in sin be absolved? A distinction must be made between a habitual sinner and a recidivist. A habitual sinner is understood here to be one who confesses his bad habit for the first time, and such a person can indeed be absolved, even without prior amendment, provided he intends to reform, as Croix says in book 6, page 2, number 1820. The reason is that such a penitent is not, on the one hand, to be presumed to be evil, so that he does not want to approach the sacrament; on the other hand, he is presumed to be disposed when he confesses his sins, since the very act of confession is a sign of contrition, unless there is some positive presumption to the contrary; all agree that sorrow is manifested through confession. See Javenin, *Institutes of Theology*, volume 7, page 408; Salm, *On the Sacraments in General*, chapter 4, page 4, question 4, number 14. It is not valid to say that the same

bad habit is a sign of indisposition; for although a bad habit makes the sinner more prone to sin, it does not give a presumption of his infirm will. Note what the Roman Catechism teaches about penance, number 60. If, after hearing the confession, the priest judges that...

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He shall not be absolved unless he has shown diligence in enumerating his sins, nor has he been entirely wanting in detestation of the pain of penance. It is entirely clear that he has not been wanting. But the relapsed person is he who, after confession, has fallen back into the same sins. Is it doubtful whether he can be absolved? There are three opinions. The first opinion, held by Sylv. Henr. Tanner, Saint, etc., *ap. Salm. tr. 17, de juram. c. 2, p. 9, §. 14, n. 169*, says that he ought to be absolved as often as he confesses, unless he is judged to be indisposed by some circumstance; otherwise, he is always to be considered disposed, and as such, he has the right to absolution. But this opinion is false, as we shall say below. The second opinion, quite the opposite, held by Merbes, *de pænit. p. 141, Reg. 2 and 3*, Juen. *Instit. theol. de pænit. t. 7, c. 1, ar. 1, q. 3*, and Genett, *l. 4, c. 7, q. 45*, says that the habitual sinner is never to be considered disposed to absolution, unless he has long proven his conversion by amendment. And the same is held by P. Conc., *p. 360, §. 4*, throughout; although elsewhere, *p. 722, n. 24*, and *p. 719*, he tempers his doctrine in practice, saying: And to avoid the danger of error, if you see that two or three absolutions might weaken you, be rich in mercy. The amendment of the sinner is the safest rule for granting or denying absolution. The third opinion, which we follow, and which is held by Sanch., *Dec. l. 2, c. 32, n. 45*, and *l. 3, c. 5, n. 48*, Pal., *de juram. d. 1, p. 9, n. 3*, Bon., *eod. tit. t. 2, d. 4, q. 1, p. 3, in fine*, Lugo, *d. 14, n. 166*, Petroc., *t. 4, de pæn. c. 7, q. 9*, Spor., *eod. t. c. 2, n. 332*, Az., *t. 2, l. 44, c. 3, q. 4*, Viva, *de 2. præc. q. 7, art. 7, n. 4*, Laym., *c. 4, n. 40*, Holzm., *p. 149, n. 589*, Anacl., *p. 62, n. 49*, P. Milante, *in d. prop. 60, exere. 35*, Wig., *t. 43, num. 98*, and Salm., *l. c, n. 170*, with Suar., Sayr., Hurt., Prado, Rodr., Lop., etc., teaches that the relapsed sinner, returning with the same wicked habit, cannot be absolved, unless he brings extraordinary signs of his disposition. This is contrary to the first opinion, which says that the relapsed ought always to be absolved and that they approach the sacrament. This is proven by proposition 60, condemned by Innocent XI, which said: To the penitent who has a habit of sinning against the law of God, nature, or the Church, and even if no hope of amendment appears, absolution ought not to be denied or postponed, provided that he declares that he is sorry and intends to amend. The reason is that, in order for the confessor to be able to absolve the penitent, he must be morally certain of his disposition; therefore, although the sinner, for the first time, confessing, is to be considered disposed, because (as we said) no presumption is opposed to him; yet, when he has already been admonished

in another confession, and has fallen again in the same way, without any effort, and without fulfilling the means prescribed by the confessor, this frequent relapse is a sign, or at least gives a suspicion,

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that his penance is not genuine: for he who firmly proposes (as Lugo rightly says, book 14, chapter 160) a matter that is morally possible to him, does not so easily forget his purpose, but perseveres at least for some time, and falls less easily, or less frequently. Hence, St. Isidore writes in book 2, Sentences, chapter 16: "He performs penance worthily who laments his past sins so much that he does not commit them again in the future." And St. Augustine, quoted by Isidore, wrote most aptly: "He who beats his breast and does not correct himself solidifies his sins, he does not remove them." Therefore, St. Charles Borromeo rightly taught in his Instruction to Confessors: "Absolution should be postponed for those who have persevered in the same sins for many years, and have not made an effort to amend." And Lugo states in the same place that this can also happen in the case of venial sins, in which the penitent is accustomed to them. For, although it is commonly said by Doctors that those who relapse into the same venial sins may more easily receive absolution, because the occasions for them are more frequent, and there is no obligation to avoid them so strictly; nevertheless, Elbel rightly states on page 229, number 412, that it is often to be feared that the confessions of those who conceive a purpose to avoid these venial sins in too general a way are null and sacrilegious. Therefore, as Spor states in number 339, such penitents, rather than tormenting themselves to confess all their venial sins exactly, should pay attention to those things to which they know they have a true sorrow and a firm purpose. Sanch, Laym, Lugo, Pal, Viva, and Spor, among others, state that, despite this, a recidivist can rightly be absolved even up to the third or fourth time, even if he has relapsed in the same way, and has used no remedy. I respect the authority of these great Doctors; but I have never been able to agree with their opinion: for, when a penitent has already been admonished in another confession, and relapses in the same way, and makes no effort to amend himself, the same suspicion inevitably arises, so that the confessor cannot have sufficient moral certainty about his disposition with respect to this sacrament, as will be explained below. The second part is against the second opinion, which, with intolerable rigor, states that a habitual sinner can never be absolved unless it is clearly established through a long experience that he has been reformed. The reason for our opinion is that a relapse, although it may suggest some suspicion, does not necessarily indicate a certain sign of indisposition; for it can well happen that the penitent truly has a firm will not to relapse, and yet, through the force of a bad habit, he may relapse, as St. Anselm observes (De Simil., chapter 489), saying that habitual sinners, caught in the trap of bad habits, are cast into the

same vices unwillingly. Therefore, whenever the penitent offers signs of extraordinary sorrow, that suspicion of indisposition is removed, and then the confessor can prudently judge that his penitent is sufficiently disposed. Therefore, as Father Milante rightly states in proposition 60, condemned by Innocent XI, in the aforementioned relation, number 489, it is not absolutely excluded there that...

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Thus, a habit, whatever it may be, which offers no hope of amendment. Therefore, a habit which offers some hope of amendment; provided that this hope is solid and well-founded, may be absolved. But those authorities of the Holy Fathers, which the adversaries cite, prove nothing other than the great difficulty that exists in eradicating a wicked habit; but Lugo teaches well in chapter 14, paragraph 166, with Suarez, Sanchez, Rega, and others, that a sufficient disposition is sorrow and present intention, not future amendment, and thus a penitent can be absolved, even if he is judged to be relapsing. Nor is it true that the sole sign of a changed will is the test of time; for the change of will depends on divine grace, which does not require time, but acts instantaneously, and therefore it can be manifested not only through the experience of time, but also through other signs. Indeed, sometimes other signs of present disposition manifest the change of will much better than the experience of time; for those signs directly indicate the disposition of the penitent, while experience only indicates it indirectly; therefore, it can often happen that someone, even for a long time, contains themselves from vices for the sake of worldly propriety, as D. Gregory says, and nevertheless is not properly disposed. Therefore, whenever a penitent offers true signs of sorrow and intention, he can be well absolved, as is clearly gathered from chapter Septies 23, on penance, dist. 3, where D. Jerome says: "Seven times the righteous man falls. If he falls, how is he righteous? If he is righteous, how does he fall? But he does not lose the name of righteous, who always rises again through penance." And D. John Chrysostom wrote in Homily 14 on 2 Corinthians: "I do not seek the delay of time, but the correction of the soul; therefore, let this be demonstrated: are they contrite, are they changed for the better, and the whole matter is settled." Hence, the author of the book published in Rome, entitled (Istruz. per li novelli Confess. p. 4, c. 15, n. 356), says: "If the relapse arises from one's own fragility, without any other external and voluntary cause, it is almost rash to say that every relapsed person is indisposed (1)." And therefore, in chapter 9, number 213, he says that a relapsed sinner, because of bad habits, should be absolved immediately, if he has a firm will to use the means to amend himself: and he adds: "We believe that it is not possible to do otherwise without excessive rigor, and that a confessor acting in this way would depart from the true spirit of the Church and of the Lord, and also from the nature of this sacrament, which is not only a

judgment, but also a salutary medicine. (1) That is: If the relapse arises from the fragility of the flesh, without any other external and voluntary cause influencing, it is almost rash to say that every relapsed person is indisposed... (and he adds): We believe moreover that it is not possible to do the contrary without excessive rigor, and that a confessor acting in this way would depart from the true spirit of both the Church and the Lord, and also from the nature of this sacrament, which is not only a judgment, but also a salutary medicine.

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460. — But you will ask, what are these extraordinary signs of sorrow, with which a recidivist may immediately be absolved? Several such signs are reported by the Fathers mentioned above, namely: I. A great sorrow manifested through tears, sighs, or heartfelt words, as Lugo, Laym, Milante, Holzmüller, Croix, Tamborini, Lohner, Renzi, and Salm, in *De Poenitentia*, chapter 5, page 4, paragraph 65, state. However, as Gonnerius says in volume 4, chapter 5, question 49, one should not always believe the tears of sinners, for often tears come from human emotion. It would have been better for this author to say "not always," for, as Father Milante rightly says, such tears, especially in women and those less mature, are not always a sign of true repentance; sometimes they arise from some passion that the penitent is expressing, or from the motive of denied absolution, or from a loss suffered or imminent. However, the tears of the penitent most often arise from compunction of heart, especially if they are shed after hearing a sermon or when the confessor offers some motive for compunction. Hence, St. Leo taught (Epistle 82 to Theodorus): "In dispensing God's gifts, we must not be difficult, nor should we neglect those who weep and groan, when we believe that the very affection for repentance is conceived by divine inspiration." Note that we believe this, and therefore, ordinarily, unless something to the contrary is perceived, we should believe that the penitent is shedding tears by divine inspiration. He also does what we mentioned above concerning St. John Chrysostom, who said that compunction is a sign of true sorrow. II. A smaller number of sins, as Busembach, Wigandt, Laym, Sporer, Anaclasius, Father Segneri, Lohner, Gobelius, Mazzotta, Tamborini, and Renzi say. However, this must be understood in the context of whether the penitent has been in the same occasions and temptations to sin; or if, after the last confession, he has remained steadfast for a long time, for example, for 20 or 30 days, whereas before he was accustomed to fall many times in a week; or if he has relapsed after a great struggle, as Croix and Anaclasius rightly say. III. Effort made for amendment: Lugo, Laym, Sporer, Salmant, Mazzotta, or if the penitent has employed fasts, almsgiving, prayers, and Masses, in order to make a good confession and prepare himself for absolution. IV. Spontaneous avoidance of occasions; Croix and Mazzotta. Fulfillment of the means pre-

scribed by the confessor: Wigandt, Busembach, and Mazzotta. V. If the penitent seeks means to improve himself; Laym, Lugo, Salm, Mazzotta, Wigandt, Holzmüller, Milante, etc., or if he promises to employ remedies; or to better fulfill what has already been done; Lugo, Segneri, Croix, and Mazzotta; especially (says Lugo), if he has never been advised about the means to be used; but I do not think that one should entirely trust such promises, since penitents easily promise to do everything that the confessor imposes in order to obtain absolution, but they often neglect it afterwards. VI. Spontaneous confession, as Laym, Father Segneri, Tamborini, and Mazzotta say; provided that the penitent does not...

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He should confess either out of obedience to the Paschal precept, or by the urging of parents, a teacher, or a master; nor because of some particular reason for confessing on certain feasts, namely, the Nativity of the Lord, the Assumption of the Blessed Virgin Mary, etc., but rather he should come entirely spontaneously and truly, inspired by divine light, for the sole purpose of obtaining the grace of God. Precisely, this spontaneous confession would be a sign of disposition, if the penitent, in order to approach the sacrament, has made a noteworthy effort, namely, if he has undertaken a long journey, abstained from profit on that day, overcame a great internal or external conflict, and the like.

VI. If he is led by some extraordinary motive, namely, a sermon heard, the death of a friend, or out of fear of an earthquake, flood, plague, etc. (Milante and Croiæ).

VII. If the penitent confesses sins previously committed culpably (Croiæ).

VIII. If the penitent, before approaching, has restored what was taken, or has repaired the reputation of a neighbor that was harmed (Milante).

IX. I add, with Milante, that if, after confessing his sins, the penitent indicates to the confessor that he has attained a new understanding of his wickedness, or of the danger of his damnation. Croiæ adds, no. 1821, that these are also extraordinary signs, if the penitent says that he repented immediately after the sin, if he desires to make satisfaction, if he accepts great penance with a good spirit, if he declares that he would rather die than relapse. I say that these signs at least can serve to aid other signs of disposition.

These signs of disposition, the aforementioned authors did not present by chance, but from experience. Therefore, I do not think that one errs who follows the opinions commonly held by such distinguished Doctors. However, to say that they wrote from passionate affection, so that their own teachings might be received with applause, or for some such reason, does not seem entirely free from a certain audacity. And if this is not to be consid-

ered, it should not be believed that these very grave Doctors were deprived of the light of God in a matter that concerns the guidance of the consciences of the entire Christian people; especially since, concerning such opinions, no prohibition has been issued by the Church. For it is the office of the Church that many opinions which are circulated are not condemned by the Church, and yet are commonly considered lax by others; for the Church does not condemn all opinions that concern particular cases, although it does not approve of them; but the Church neither approves nor tolerates opinions that concern the generality of consciences, as St. Augustine said (Ep. 419). The Church of God tolerates many things, and yet, concerning faith or good life, it neither approves nor tolerates.

461. — Furthermore, returning to the matter at hand, it is certain that 1. The confessor is obligated to postpone absolution until he is morally certain of the disposition of his penitent, at least through the passage of time, or through means, if the penitent does not yet provide sufficient signs of his disposition (Salm. de pœnit. c. 5, p. 4, n. 66).

[*Latin ed. p. 299*]

It must be noted (as we have said concerning the sacraments in general, no. 57), that in other sacraments, when the matter is physical, physical certainty is required; but in this sacrament of Penance, when the matter is moral, namely, the acts of the penitent, moral, or relative, certainty suffices. Thus, St. Thomas teaches in *Summa Theologica*, Part II-II, Question 94, Article 3, ad 3: "It is not necessary that every measure be absolutely infallible, but according to what is possible in its own kind." And in Part II-II, Question 47, Article 9, ad 2: "Certainty is not to be sought in the same way in all things, but in each matter, according to its own proper mode; for the matter of prudence consists of singular contingencies, concerning which human actions are performed, so that the certainty of prudence cannot be so great as to entirely remove all solicitude." Therefore, with regard to our purpose, it suffices that the confessor have a prudent probability concerning the disposition of the penitent, and that a prudent suspicion of indisposition should not stand in the way. Otherwise, scarcely anyone could be absolved, since whatever signs of penitence do not provide absolute certainty of disposition, as rightly taught by Father Suarez in *De Poenitentia*, book 32, section 2, no. 4, where he says that it is necessary, and sufficient, that the confessor prudently and probably judge the penitent to be disposed. And this seems to be sufficiently expressed in the Roman Catechism on Penance, no. 60, where it is said: "If, after hearing the confession, the priest judges that the penitent has not entirely lacked diligence in enumerating his sins, nor sorrow in detesting them, he may absolve him." Therefore, if it is never clearly known to the confessor that the penitent has entirely lacked sorrow, he may absolve him. Hence, the Author cited above (*Istruzioni per i nuovi confessori*, page 4, chapter 45, no. 360) speaks

as follows: "Therefore, let us conclude here with this final point, which is the key to the whole matter: nothing else is required to administer the Sacrament of Penance than a prudent and probable judgment concerning the disposition of the penitent. Therefore, if the circumstances do not raise a prudent doubt that he is not sufficiently disposed, the confessor should not trouble himself, nor the penitent, to obtain evidence that is not possible (4)." This is also supported by the text from *Sententiae Ecclesiae*, book 2: "The judgment of God is always joined to truth, which does not err, nor is deceived; but the judgment of the Church sometimes follows an opinion, which it often happens to err, and to be deceived." Furthermore, it is certain and common to all that a confessor may postpone the absolution of a penitent, even if he is disposed, and even without his consent, if he prudently judges that such a delay will be useful to his amendment. Thus, Salm in *De Poenitentia*, chapter 5, page 4, no. 68, and Lugo, book 14, no. 468. (1) That is: "From these things, let us therefore draw this conclusion, which is as if the key to the whole matter at hand: nothing else is required to confer the Sacrament of Penance than a prudent and probable judgment concerning the disposition of the penitent. Therefore, if the circumstances do not raise a prudent doubt that he is not sufficiently disposed, the confessor should not trouble himself, nor the penitent, to obtain evidence that is not possible."

[*Latin ed. p. 300*]

Holz, n. 587. Ronc., c. 4, q. 5, r. 4. Croicæ, n. 4764. Vivæ in prop., 69. Damnat. ab Innoc. XI., n. 13. Cardem., in eand. prop., n. 24. Cum Suarez, Sa, Sanch., et aliis passim, contra paucos. The reason is that a penitent, although possessing the right to absolution through confession, does not necessarily have the right to be absolved immediately; for the confessor, to whom the roles of both judge and physician belong, can, and indeed, in my judgment (as I stated above), is obligated to postpone absolution when he judges such a remedy to be necessarily beneficial to the penitent's salvation. 463. — A significant question is whether it is always advisable to employ this remedy of delayed absolution, or whether, in the case of a penitent already sufficiently disposed to absolution, it is not better to proceed without his consent? It is commonly held among Doctors of the Church that it is never advisable to postpone absolution when the delay is likely to be more detrimental than beneficial; thus, Vivæ in prop., 60. Damnat. ab Innoc. XI., n. 9, and Salm., ibid., n. 67. Lugo, d. 14, n. 168. Sanch., Dec., l. 2, c. 33, n. 45, and Mazzotta, t. 3, p. 577, along with others. The same should be said when, through the delay of absolution, the penitent would suffer a mark of infamy, as Croicæ, n. 4764, and Mazzotta, l.c., state, along with Sanch., Pal. Cont. Tourn., ibid. Concina, Anacl. Laym. Bon. Holz. Sporer, and others whom we have cited, n. 455. Furthermore, Hurtadus, res. 21, n. 206, states that it is always advisable to postpone absolution in such cases. Indeed, Concina, p. 719, n. 49, and Juenin and Merbes, loc. cit., say

that such a remedy is necessary for them to demonstrate their conversion through their actions. Juenin, in his work on the sacraments, in the treatise on penance, speaks very rigidly: "Those who have committed mortal sins should not be absolved unless they have, through a prudent period of time, demonstrated their conversion through their actions." Furthermore, it was the belief of the entire ancient Church that contrition is not the work of a single day, but of many months, and sometimes even years. And in the Instit. theol., t. 7, on penance, cap. 4, art. 4, q. 3, it adds that this must be observed, even if the penitent has once confessed a very grave sin, such as perjury, adultery, homicide, and the like. Speaking of a habitual sinner, it says that he is never to be considered disposed to absolution unless he has, for a long time, demonstrated his conversion through amendment. Others, such as Busembaum, infra, Vivæ in prop., 60. Damnat. ab Innoc. XI., Dicast., d. 10, dub. 29. Croicæ, n. 4768. Salm., tr. 6, e. 5, p. 4, n. 68, etc., say that it is rarely advisable to postpone absolution for a penitent who is already disposed. It is better to say that no certain rule can be established in this matter, but that the confessor should guide himself according to the circumstances present, and after having commended himself to God, as he will be inspired by God, he should either postpone or grant absolution. Therefore, the Bishops of Belgium, convened in Brussels, wisely stated in their decree to their clergy, in the year 4697: "The confessor, with regard to more grievous sinners, even those who have relapsed, is not required by the law to demand that they have previously performed works of penance for a noticeable period of time; but he should, with the Holy Fathers, seek God in conver-

[*Latin ed. p. 301*]

The measure of the penance of a sinner should not be determined so much by the length of time, but by the intensity of the pain. See Croÿ, vol. 6, p. 2, no. 1824. To offer my judgment on this matter, I say that if a penitent has relapsed due to an internal cause or weakness, as happens in sins of impurity, sloth, hatred, blasphemy, and similar offenses, it is rarely advisable to postpone absolution for a penitent who is sufficiently disposed, except in extraordinary circumstances. And in cases where a delay seems advisable (whatever Juvenin and Merbes may say, who require delays of months and years), it is more accurate to say that absolution should not be delayed for more than eight or ten days, as stated by the author of the book entitled: "Instructions for Confessors in lands and villages," chapter 4, section 4, approved in Naples by the most learned and illustrious Bishop, D. Julio Torno (and where Louis Habert in "Practice of Holy Penance," vol. 4, p. 447, is cited), and by another author already cited (in the book "Instructions for New Confessors," chapter 9, no. 215). These authors consider a delay of a month to be excessive and dangerous, because after such a long time, it will be difficult for the penitents to return. This is supported by His Holiness

Pope Benedict XIV in his Encyclical letter, beginning with "Apostolica," where, addressing confessors who postpone absolution to penitents for a just reason, he urges: "Let them urge those who are delaying to return, and encourage their spirits, so that they may properly perform those things that are prescribed for them to do before their return, so that, having returned to the sacramental forum, they may receive the benefit of absolution." In summary, I say that absolution should be postponed for up to fifteen days. I said 4, if the penitent has relapsed due to an internal cause; but if he relapses due to an external circumstance, I say that absolution should be postponed until the opportunity is removed, if it is voluntary; if it is necessary, until the danger of relapse is removed. And for this, a delay of 40 or 45 days is certainly not sufficient (see what we said on this point above, no. 452, Question III). I said 2, rarely, because I generally believe that one should not deviate from the common opinion, as stated by Sanchez, Decrees, book 2, chapter 32, no. 45; Laym, chapter 6, no. 40; Lugo, book 14, no. 406; Fill, treatise 7, instructions, chapter 3; Abelly, on penance, chapter 5, section 20, no. 3; Dicast, book 40, doubt 29; Nav, chapter 3, no. 24; Croÿ, no. 8822, with the common opinion, as asserted by Salm, on penance, chapter 5, p. 4, no. 68, near the end; Spor, chapter 2, no. 430; Tol, book 5, chapter 43, that absolution should not be postponed for a penitent who has relapsed due to an internal weakness, because in such a penitent, more hope should be placed in the grace of the sacrament than in the delay of absolution. 464. — But you will say, why should absolution be postponed for a penitent who is in an external circumstance, and not for one who has relapsed due to a bad habit, since the external circumstance also urges him to sin in the same way as the bad habit? The answer is: the external circumstance and the bad habit impel to sin in a very different way; for the external circumstance does so through the presence of an object, which excites vivid thoughts,

[*Latin ed. p. 302*]

It vehemently moves the inclined senses towards sin, and makes the inclination to sin more intense; and therefore, the penitent must exert the greatest effort, not only to overcome the temptation, but also to strive to remove the danger by fleeing from familiarity with the offending person as quickly as possible. However, a bad habit, when it does not have an external object present, does not urge to sin as much as an occasion to sin; therefore, the penitent must exert less effort to abstain from sin. Furthermore, since a bad habit is something intrinsic and inseparable from the person, the eradication of the habit depends less on one's own will than the removal of the occasion; and therefore, it is more to be hoped that God will help with a good will through greater aids to persevere. Given these considerations, the confessor acts imprudently if he absolves someone who is in an external occasion, at least before he has ascertained that he will remove the danger by fleeing; otherwise, he leaves him in a probable danger of

breaking his resolution, because such a penitent, after obtaining absolution, will easily neglect the necessary flight, and thus will undoubtedly relapse. Conversely, a recidivist is prudently absolved for an external reason, if he is truly disposed by an extraordinary sign of sorrow; because the danger of breaking his resolution is more remote, since, on the one hand, there is no external cause urging him to sin, and, on the other hand, God will provide greater aids to the penitent to eradicate the bad habit, which is present within him, unwilling and detesting it; hence, it is more to be hoped that he will be reformed through the help of grace received in the sacrament, than through the delay of absolution. Often, (says the learned Father La Croia, who excellently treats of this sacrament of penance), absolution helps those who have relapsed, both because of the aids of grace that the sacrament confers, and with which the absolved can be equipped, because pious exercises will have greater power from the efficacy of the sacrament, and will be more pleasing and effective to God, as they are performed by a friend of God, and because there is a greater power of satisfaction inherent in them by the institution of Christ; also, there is hope that he will more diligently use the prescribed means, because delay offends many, because they do not return, but become hardened. And this is expressly approved by D. Th. Suppl. q. 25. a. 4. ad 4., where he says: "It must be said that a greater remedy is offered against sins to be avoided through grace, than through the habit of our own works." Hence, rightly do Salm. de pænit. c. 5. p. 4. n. 68. in fine: "Why is there more hope for a sinner who does not have grace through delay, than for one who is established in friendship with God through absolution?" And especially with regard to the sin of pollution, Toletus l. 5. c. 43. says: "I think the most effective remedy is to use frequent confession; for this sacrament is the greatest restraint, and he who does not use it does not promise himself amendment unless by a miracle." And we read that D. Philip Neri made very great use of this remedy of frequent confession for those who relapse into this vice. And to this...

[*Latin ed. p. 303*]

The following passage alludes to what is found in the Roman Ritual concerning the sacraments of penance: "For those who easily relapse into sin, it is most useful to advise them to confess frequently, and if this is not possible, to receive Holy Communion." Therefore, the Ritual, when it states that frequent confession is a most useful remedy for those who easily relapse into sin, presupposes that a sinful habit has not yet been completely uprooted in them; but, notwithstanding this, it teaches that the grace of the sacrament greatly contributes to amendment. Some, addicted to rigor, who guide souls through a single path of severity, speak too generally, asserting that all those who relapse become more perverse when they are absolved before they have amended their lives. But I would ask these masters, do those who relapse, when dismissed without absolution, lacking

the grace of the sacrament, become stronger and are they amended? How many wretched souls have I known who, because of a denied absolution, fell into despair, and for many years were turned away from the sacraments? Moreover, each one must direct himself, in this matter of granting or delaying absolution, according to the light given to him by God. It is certain that in this matter, those who err are equally those who are too lenient as those who are too rigid in granting absolution; both extremes are harmful; for many confessors, through excessive leniency in granting absolution, are the cause that many souls go to perdition; but others, through excessive rigor, cause no less damage. Therefore, I do not know whether a confessor should be more disposed to absolve those with less scruples, than to dismiss those who are disposed. Finally, to express the dictates of my conscience, I conclude thus: Sometimes, it may be beneficial for a relapsed sinner to delay absolution. Indeed, it is always beneficial to deter such backsliders from their intrinsic weakness, by threatening the denial of absolution. But, speaking generally, it is more beneficial for them to be given absolution when they approach with a sign of extraordinary sorrow. Oh, that all confessors would absolve relapsed sinners when they offer only a sign of extraordinary sorrow! But what is lamentable is that the majority of confessors everywhere, without any sign of extraordinary sorrow being shown, indiscriminately grant absolution to such backsliders without any warning, and without offering any remedy, and this is the source from which the ruin of so many souls arises.

[*Latin ed. p. 304*]

DOUBT III. WHAT KIND OF CONFESSION IS REQUIRED. ARTICLE I. Whether it must be materially complete? 465 What constitutes material completeness? 466 To what extent does the number extend, by saying more or less? And how should the number be ascertained in the customary manner? 467 Are aggravating circumstances necessarily to be explained? 468 Q. 1. How many opinions are there on this question? Is the quantity to be explained in theft? 469 Q. II. and Doubt 1. Does incest with blood relatives differ in kind from incest with relatives-in-law? 470 Doubt 2. In the sin of incest with blood relatives, are the degrees of consanguinity to be explained? 471 Several points to be noted regarding the examination of conscience, and the completeness of confession. 472 Are mortal sins that are doubtful necessarily to be confessed? 473 Doubt 1. Are we bound to confess mortal sins that are positively doubtful? 474 Doubt 2. Are mortal sins that are negatively doubtful? 475 What if someone wants to receive the Eucharist? 476 What if someone is scrupulous, or has a fearful conscience? 477 Doubt 3. Is one bound to confess any mortal sin if he is in doubt whether he has confessed it? 478 Doubt 4. Is he who has confessed a mortal sin as doubtful, bound to repeat it when he knows it for certain? What if, after confession, a penitent learns that the matter of his sin was grave, but he

did not know this at the time he committed the sin?

465. — ANSWER. For the sake of the sacrament itself, and ordinarily, material completeness is required, meaning that after you have diligently examined yourself, and explored the depths and hidden places of your conscience (thus the Council of Trent, Session 14, chap. 5), you should confess all mortal sins that come to your memory, those that have not yet been confessed, and their number, and the circumstances that change their nature. This is clear from the Council, and it is certain. The reason is that otherwise, the sacramental judgment cannot be administered correctly, nor can equality be maintained in assigning penalties. It is said "for the sake of the sacrament itself, and ordinarily" because, by accident, and in extraordinary circumstances, formal completeness suffices. See the following doubts.

466. — "The number," it is understood, means a certain number; if it is not certain, say a probable number, adding more or less. But if you then discover that you were mistaken, you are not bound to confess it again, unless it is notably greater. Fagun, Sanch, Hurt, contra Regin, Fill. et Sa, who say that those words, "more or less," only extend to one or two above the number indicated. (Lugo, d. 46, n. 97. Cab. T. J., chap. 10, n. 8. Tamb. and Rone say that "more or less" should be understood as follows: concerning three, understand two, or at most three.)

[*Latin ed. p. 305*]

Four: Approximately 40, understood as 8 or 42. Approximately thirty, 27 or 33. Approximately one hundred, 95 and 105. Approximately one thousand, 950 and 4050. "But although this is true in a small number, for example, with a denarius [coin], it is not true in others, for example, with a centenarius [hundred], a millenarius [thousand], etc., because these words do not have an absolute meaning, but a relative one, in relation to the number to which they are added; and the greater that number is, the more these words are understood to mean, provided that it is still small in relation to another to which it is added; which must be estimated by the judgment of the prudent." Thus, Diana, page 3, book 3, chapter 194, from Navarr. Also, Cardinal de Lugo, book 46, number 94. "If, however, it cannot be considered probable, then the custom of sinning, the time, and the frequency in a day, week, month, or year should be mentioned. See Fill., volume 7, chapter 4, number 82. Diana, page 3, book 4, chapter 94. Gasp. Hurt., book 9, difference 5. Lugo, book 16, number 79." "Here, Spor. de pænit., volume 3, page 224, number 451, rightly observes that the confessor should not be overly anxious about inquiring into the number of sins committed by a penitent who habitually sins, because it is often impossible to have a certain number; for many, merely to avoid the importunity of the confessor, will guess 'a hundred,' 'a thousand,' etc.; but who will give credence to such answers? Therefore, it is better for the confessor to diligently inquire into

the state of the penitent's conscience; and then, by asking the penitent about lapses more or less frequently in a day, or week, or month, at least to grasp a general idea of the number of sins committed during the habitual practice, without making a definite judgment, lest he err." 467. "It is said that there are three that change the species [of sin]: because, although it is probable, as taught by Suar., Conc., and others, that even those that notably aggravate the same species [of sin] (that is, those that, according to the conscience of the person, exceed the ordinary manner of sinning) should be explained, for the reason given in the response; however, the opposite opinion, as taught by Vasq., Reg., Bonac., Lugo, book 46, section 3, is also probable, and safe; at least, except for 1. the degree of consanguinity in incest. 2. The quantity of theft, injury, etc., which require satisfaction. 3. When more than one person is killed, or defamed, or among more people. 4. Long-lasting hatred; because then many acts are often committed. See Regin., in the cited place." ("Long-lasting hatred, as well as carnal concupiscence for a woman, must necessarily be expressed in confession, not so much because of the aggravating circumstance, as because of the number of sins that are repeated during that long period, as say Salm. de pæn., chapter 8, page 2, number 14, and others commonly; see the aforementioned law 2, on sin, number 37.") "5. Sin between the confessor and the penitent. See Fill., de imped. matrim., chapter 5, question 5, number 6. If the circumstance warrants censure, or reservation, or necessary direction, the confessor prudently inquires of the penitent." 468. "Question: I. Are the circumstances of mortal sins so noteworthy—"

[*Latin ed. p. 306*]

Are aggravating circumstances necessarily to be confessed? There are three opinions, all of which are highly probable. The first opinion affirms this, and it is held by Suarez (d. 22, s. 3, n. 5), Soto (in 4, d. 18, q. 2, art. 4), Sanoh (Dec. l. 2, c. 21), Gonet (Man. t. 6, p. 440), Juenim (t. 7, p. 466), Genet (t. 4, c. 6, qu. 3), Conc. (p. 303), Croiæ (l. 6, p. 2, num. 977), Antoine (p. 504), Wiganditr. (3, n. 26), Estius, Cunus, Henr. Fag. (ap. Salm. ibid. n. 22), and Alens (Sylv. Caj. Major, Con. et alii apud Diana, p. 1, tr. 7, r. 1). This is proven by the Roman Ritual of Penance, which states: "If the penitent has not explained the number, nature, and circumstances that are necessary, the priest shall question him." Therefore, not only are circumstances that change the nature of the sin to be explained, but also those that notably aggravate it; for these words, "nature and circumstances," signify this. This is confirmed by the Roman Catechism (p. 2, c. 5, §. 7), which states concerning mortal sins that circumstances must be explained that greatly increase or diminish the sin. Secondly, by reason, because the same reason that suggests that circumstances that change the nature of the sin must be confessed, also argues for circumstances that notably aggravate it, since both notably change the judgment of the confessor. Nor did the Council

of Trent (sess. 14, c. 5) only teach that the first [circumstances] must be confessed; for Suarez responds that the Council only intended to define what was certain, and left this question undecided among theologians. The second opinion, held by Sporer (de pæn. c. 3, §. 3, n. 440), citing Laym and Suarez (and adhered to by Busemb.), states that it is necessary to confess a circumstance that touches the essential nature of the sin in the individual, such as the quantity of theft. The reason is that otherwise, the confessor will not be able to form a correct judgment about the substance of the sin. The third opinion, which I consider more probable, denies that there is an obligation to confess aggravating circumstances, and this is held by S. Anton. (3, p. tit. 14, c. 49, §. 7 and tit. 17, c. 47, §. 5), S. Bernard (Sen. t. 3, de confess.), S. Bonav. (in 4, d. 17, p. 3, art. 2, q. 3), Soto (in 4, d. 17, q. un.), Cabassut (Theor. Jur. c. 10, n. 15), asserting that this is a more common and weighty opinion than that of Pal. Nav. Vasq. etc. (Pal. tr. 23, d. un. p. 9, Bon. q. 5, s. 2, p. 2, §. 3, diff. 3, n. 5, Tolet. l. 3, c. 7, n. 7, Holzm. n. 471, Salm. de pæn. c. 8, p. 2, n. 23, Ronc. c. 2, q. 6 [who retracted from his initial opinion]), Lugo (d. 16, sect. 3, with Scotus, Nav. Adrian. g.), and Suarez (l. c. n. 15), Abelly (p. 437, vers. uæres), and many others (with Diana loc. cit.). This is proven by D. Th. (in 4, d. 16, q. 3, art. 2), who, with great authority, gave much weight to this opinion; it is necessary here to transcribe his text completely, so that it may be clear that the Doctor certainly was in favor of this opinion; there he teaches: "Some say that all circumstances that add a notable quantity to sin..."

[*Latin ed. p. 307*]

They add that it is necessary to confess, if they occur to memory. Others, however, say that they are not of necessity to be confessed, unless the circumstances lead to a different kind of sin; and this is more probable; but it must be added, that those which lead to another species of mortal sin are to be confessed. The reason for this is that venial sins are not of necessity to be confessed, but only mortal sins, which have a certain infinite quantity. And because circumstances that aggravate, which do not pertain to a different species of sin, or which do pertain to a sin, but not a mortal one, are not of necessity to be confessed; nevertheless, to confess them is a matter of perfection, as has been said regarding venial sins. Generally, the Doctors agree that St. Thomas in this place held our opinion, and Canus explicitly states in *Recollectiones de Poenitentia*, page 2, section 2. But, on page 559, he says: "St. Thomas expressly holds that only those circumstances which change the species are to be confessed." St. Antoninus has the same opinion, as we shall see below. Sotus, in Juenin, book cited, page 468, says: "St. Thomas would have changed his opinion, if he had completed his *Summa* to the end." However, this is a prophecy of Father Sotus, and not the opinion of St. Thomas. Nevertheless, Father Concilius, on page 303, number 4, explains the aforementioned text differently, and says that St. the Doctor is

not speaking there of circumstances which add malice constituting mortal sin, but of those which do not transgress the boundaries of venial sin; and he draws this conclusion from the reason which St. Thomas adds there: "The reason is, because venial sins are not of necessity to be confessed, but only mortal sins, which have a certain infinite quantity." But the interpretation of this great man does not seem to fit the passage; for it is answered in question 4 that the question which St. Thomas proposes there is explicitly about circumstances which add a certain notable quantity to sin. But this notable quantity cannot be understood in relation to a venial sin, but rather in relation to a mortal sin, firstly because no one has ever doubted this; for who has said or could have said that the circumstances of a venial sin are necessarily to be confessed, when it is clear to all that venial sins themselves are not of necessity to be confessed? Secondly, because St. Thomas is speaking there of circumstances which add a notable quantity to sin, these circumstances must necessarily be understood in relation to a mortal sin, and not in relation to a venial sin. And this is clearly evident from the reason which St. the Doctor adds, that venial sins are not of necessity to be confessed; which reason does not, as Father Concilius understands, refer to his main opinion, namely that it is not necessary to confess circumstances which notably aggravate, because they are venial sins: but it refers to the words: "It must be added (which immediately precedes), that those which lead to another species of mortal sin." With these words, St. Thomas clearly indicates that the circumstances of a mortal sin which change the species are certainly to be confessed, because they have a certain infinite quantity; but not the circumstances of a venial sin, even if they are...

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Diverse in nature, and on this point he explains that venial sins are not necessarily subject to confession. Then, he confirms this more clearly by adding: "And because aggravating circumstances, which do not change the species of sin, or which do indeed change it, but not to the point of mortal sin, are not necessarily subject to confession." Therefore, the Saintly Doctor distinguishes between circumstances that change the species of sin, but not to the point of mortal sin, and between circumstances that do not change the species (that is, to mortal sin, as should be understood without doubt, having previously compared a venial sin with a venial sin), and he states that both types of circumstances are not necessarily subject to confession. Hence, Saint Antoninus, following Saint Thomas, says in the *Dicta*, § 7: "Indeed, those circumstances that lead to a change in the species of sin, it is necessary to confess, according to Saint Thomas; to confess other circumstances, when they are not venial sins that are necessarily subject to confession, is an act of perfection, and is not necessary." Then, after having explained the different types of circumstances, he says: "There are also those that involve a difference in degree, such as stealing a large sum

(for example, as he adds below), stealing one hundred florins is much more serious than stealing one; and to confess these circumstances that aggravate the sin is perfect, but because they do not change the species, nor do they aggravate it to an infinite degree, it is not necessary to confess them, according to Saint Thomas; and he adds that Peter of Palude affirms that this is the common opinion." Therefore, the Archbishop concludes, only those circumstances that change the species and aggravate the sin to an infinite degree must be confessed, giving the example of theft in a sacred place. This is supported by three reasons. Reason 4: because in the Tridentine Council, Session 14, Chapter 5, it is said: "In confession, those circumstances must be explained that change the species of sin, so that without them, the sins themselves are neither fully disclosed by the penitents, nor made known to the confessors, and it cannot be the case that they can correctly assess the gravity of the crimes, and the penance that should be imposed on the penitents." From these words, it seems that the Council does not obscurely exclude the obligation to confess other circumstances than those that change the species, because it indicates that these are sufficient to allow the confessor to form a correct judgment about the gravity of the crimes and the penance to be imposed. Reason 2: because other penitents would always be in distress, always doubting the integrity of their confessions, in determining which circumstances are or are not notably aggravating: and therefore he says: "Saint Thomas, in the aforementioned book, question 5, answer 2, says: 'The exact quantity of sin cannot be known to the priest, because the sinner himself does not know it; therefore, it is sufficient that you know the quantity that corresponds to that species of sin.'" Therefore, Lugo assigns a prior reason for this opinion, saying that Christ commanded nothing other than the confession of sins; and he explains: "circumstances that change the species of sin are already truly confessed and explained, since the quiddity or essence of sin is taken only from its specific reason."

[*Latin ed. p. 309*]

3. Because, if we were obligated to reveal circumstances that notably aggravate the sin, we would also be obligated to reveal those that notably diminish it; namely, if someone has sinned out of anger, fear, intense passion, or through the influence of others, and similar circumstances. And even the adversaries deny this obligation. The ultimate and most powerful reason, as taught by the most learned Cabassutius, Lugo, Salm, and Ronoagl, is that no one is obligated to observe a doubtful law, as has been proven in the moral system, book 4, on conscience, with the common Doctors from St. Isidore in chapter "Erit autem," Dist. 4, and chapter "Cum in jure," 34, on the office and powers of judges, and chapter "Suam de simon," and from D. Thomas, Quodlibet 14, on truth, question 47, article 3, where he says: "No one is bound by any precept unless through knowledge of that

precept." And knowledge, as is certain to all, and as D. Thomas himself teaches in part 4, question 4, article 2, is certain knowledge of something; therefore, since the law of confessing circumstances that notably aggravate the sin is very doubtful, we are not obligated by it, and therefore (as Lugo rightly says), the Council of Trent did not explain this obligation to confess, because the Council could not sufficiently gather this from Christ's words and the institution of the sacrament. Nor does the 4th section of the Roman Ritual object, which says that there is an obligation to confess the species of the sin and the circumstances that are necessary to explain it. For, indeed, there is sometimes an obligation to confess circumstances that notably aggravate the sin, as Lugo rightly says in book 16, number 121, and Salm, on penance, chapter 8, page 2, number 27, namely, when they introduce censure or reservation, or when (as we said) the confessor asks, and believes it necessary to know this in order to impose a penance. Regarding the Catechism, which is presented as an opposing authority, it seems to go too far, for it seems to impose an obligation to explain not only the aggravating circumstances, but also the diminishing ones, which is not credible; for who would ever say that if someone confessed to murder, and concealed that he committed it out of intense passion or in a quarrel, he would make a sacrilegious confession? Therefore, we must admit that the meaning of the Catechism is not sufficiently understood here. It does not object to say that the circumstances that notably aggravate the sin must be explained, so that the confessor can impose the proper penance. For Lugo rightly responds that, in assigning penance, not all kinds of information are required, but only a certain equality, which can certainly be maintained if the species of the sin is manifested, even if the aggravating circumstances are not explained. Hence, D. Thomas, in the aforementioned passage, after presenting this objection to himself, responds: "It is sufficient that the priest knows the quantity that arises from the species of the sin." It does not object to say that the first opinion is at least safer, and therefore must always be followed in matters of the sacrament, according to the 4th proposition condemned by Innocent XI. For the Cardinals rightly respond in 2nd Crisis, book 2, number 407, and Croicœ, number 978, that he who follows the second opinion does not expose the sacrament to the danger of nullity, since for the validity of the sacrament, a formally complete confession is sufficient, which is already probably.

[*Latin ed. p. 310*]

It is held in confession that sins should be enumerated, even if the circumstances that aggravate them are not explicitly stated. Therefore, it follows that any probable opinion denying that certain sins differ in species is not subject to condemnation, because, even if it is false before God, a formally complete confession is nonetheless present. Hence, Saint Antoninus, Lugo, book 16, number 12, and Salm, on penance, chapter 8, number

2, paragraph 23, with Palafox and the Dicastery, state that, speaking in general terms, a penitent is not obliged to explain the quantity of theft. This is said in general terms, because, for the most part, the confessor must inquire about the quantity of the theft, in order to know how he should proceed regarding the granting of absolution and the imposition of the obligation of restitution; therefore, for the most part, the penitent is obliged to confess the circumstance of the quantity in the theft.

Question II. Whether one who has committed incest must explain the nature and degree thereof?

Two doubts arise here:

1. Does incest with blood relatives differ in species from incest with in-laws? Lessius, book 4, chapter 3, number 79, Salm, on the Decalogue, book 6, page 4, number 30, Roncaglia, on the six precepts, chapter 5, question 2, Croia, book 6, page 2, number 1074, and others, affirm this. The reason is that, as they say, although all incestuous acts offend the same respect due to blood, the incest with blood relatives harms it in a different way than the incest with in-laws; for, among blood relatives, the union arises from an intrinsic bond, that is, from the identity of the same blood received through generation; whereas, the union among in-laws arises from an extrinsic bond, namely, from the union had with their blood relatives.

However, others more probably deny that incest with blood relatives differs from incest with in-laws, as Lugo, book 16, numbers 313 and 346, Sanchez, on marriage, book 16, numbers 7 and 8, Tamburrini, in the Method of Confession, chapter 7, section 7, number 48, with Megala, Soto, and Cajetan, in the Second Part, question 154, article 9, state. The reason is that, as Lugo says, materially, the union arises either from blood or from marriage, and for the same reason, the union with blood relatives is prohibited, as is the union with in-laws. And according to this opinion, it is undoubtedly taught in the Second Part, question 154, article 9, number 2, where it is taught as follows: "A person is related by affinity to another because of the person related by blood, and therefore, because one is for the sake of the other of the same reason, consanguinity and affinity are inconvenient."

However, it seems to me that the incest between a stepchild and a stepmother, and between a father-in-law and a daughter-in-law, should be excepted, as Salm, on penance, book 2, chapter 26, number 5, paragraph 4, number 34, states, and Lugo indicates in number 316. The reason is that the debt of reverence, which is the special motive for prohibiting the union of parents with their children, is also the motive for prohibiting the union between a stepchild and a stepmother, or a father-in-law and a daughter-in-law. Incestuous acts with in-laws, outside the first degree, are commonly held by Doctors to be of the same species.

2. Whether all degrees of incest committed with blood relatives, up to

the fourth degree, must be explained in confession?

[*Latin ed. p. 311*]

The first opinion affirms, with Nav. c. 7, no. 4, and Angel. Vasq. Suar. etc. apud Salm. ibid. no. 33, that there is a special reverence between one degree of consanguinity and another. Bon. de matr. q. 4, p. 16, no. 7, agrees with Laym. Con. Valent., but for a different reason, since otherwise the substance or individual nature of the sin would not be explained. The second opinion teaches that only incest with consanguineous relatives in the first degree, both in the direct line and the collateral line, differs in species from other degrees. Regarding the first degree of the direct line, this opinion seems entirely to be held (contrary to Tamb.), as common with Salm. ibid. no. 36. The reason is that it is clear to everyone that this kind of incest is very different from others; indeed, Lugo de pæn. d. 16, no. 34, and Cont. Tourn. de 6. præc. art. 4, concl. 2, rightly teach that it must be explained whether a father sins with his daughter, or a son with his mother, since the guilt has a different malice because of the special reverence due to the mother. But does incest in the first degree of the direct line differ in species from other degrees of the same line? Croiæ agrees with Bonasp., but Lugo probably disagrees in no. 345. A greater doubt is whether incest with consanguineous relatives in the first degree of the collateral line, namely with a brother or sister, differs in species from other degrees. Less. l. 5, c. 3, no. 79, Lugo no. 143, Salm. ibid. no. 28, 34, and 33, Ronc. de 6. præc. c. 5, q. 2, Croiæ l. 6, p. 2, no. 1074, and Sanch. de matr. l. 7, d. 52, no. 41, affirm this. The reason is that the reverence due to brothers or sisters is of a different kind than that due to other consanguineous relatives; indeed, intercourse with a sister seems to be forbidden by the very law of nature. Regarding the other degrees of consanguinity, Less. no. 90, Ronc. l.c., and Salm. de 6. præc. decal. c. 5, p. 4, no. 36, in med. et de pænit. c. 8, p. 2, no. 34, in fin., say that incest does not differ in species; but the closer degree only introduces a circumstance that aggravates the matter. The third opinion, which is held by Cajet. in S. Th. 2. 2. q. 154, a. 9, Bon. l.c. no. 6, Pal. d. 4, part. 7, no. 41, Pontius c. 32, no. 3, Tamb. c. 7, §. 7, no. 48, with Megala, Dian., etc., and also by Palud. Gabr. Vict. Nav. Arm. Vega, Henr. Led. Scotus, Abul. Soto, and many others apud Sanch. l.c. (who calls it "very probable" with Fill.), holds that all incestuous acts between consanguineous relatives are of the same species, except only for the first degree in the direct line. Reason 1: except for the aforementioned first degree of the direct line, the other degrees only constitute a circumstance that aggravates the matter, which it is very probable (as we saw above no. 468) is not a sin. Reason 2, which is given by Caj., is that conjugal intercourse between consanguineous relatives, except with parents, is only forbidden by the Church, and not by natural law; for formerly it was permitted for the sons of Adam to marry their sisters. It does not contradict to say that whether the malice of such incestuous acts

arises from natural law or from the prohibition of the Church, those who commit such acts always sin against the reverence due to those who are joined.

[*Latin ed. p. 312*]

It is owed; for the Church, when it commands something, places the matter commanded in that species of virtue, according to the reason for which it commands it. And the Church, because of the same reverence due to blood, commands the faithful to abstain from such unions. It is answered that, although the Church, by prohibiting the commingling of relatives up to the fourth degree, has elevated such abstinence to the virtue naturally due to those joined by blood, it does not thereby effect that the proximity of these degrees induces a specific natural difference; for the natural specific difference of degrees is to be taken only from the natural difference itself, which probably does not exist between the degrees of consanguinity (except for the first in the direct line, as we said), for more or less does not alter the species. And according to this opinion, it seems undoubtedly to be (as Cont. Tourn. loc. cit. in fine states, although this author holds a contrary opinion) also in D. Th. 2. 2. q. 154. a. 9. ad 3, where it says: "In the commingling of persons joined together, there is something that is, of itself, indecent and repugnant to natural reason, such as when the commingling takes place between parents and children, whose is, by their very nature and immediate kinship. For children naturally owe honor to their parents..." But other persons, who are not joined together of themselves, but by order to the parents, do not have this indecency from themselves, but the decency or indecency varies according to custom, and human or divine, that is, positive law. And the same seems to be taught by D. Augustine (ap. D. Th. in eod. a. 9), saying: "The commingling of brothers and sisters, the more it was compelled by necessity, the more it became damnable when prohibited by religion (that is, the Church)." The first opinion is less probable; the second and third seem equally probable. 471. — • 1. For the integrity of confession, a diligent examination is required, according to the capacity of the penitent, the length of time, and other circumstances. But for this, ordinary diligence suffices, such as a prudent man uses in difficult affairs, or, morally speaking, such as learned and devout people usually use, even if someone thinks that with greater diligence they would find more. Bon. t. 1. d. 5. qu. 5. Laym. lib. 5. tr. 6. c. 8. After this ordinary diligence, one is not obliged to think further about past life; and if something occurs that seems not to have been explained in confession, one may persuade oneself that it was remembered. Dian. p. 3. t. 4. r. 107. ex Sanch. However, note proposition 14, among those condemned by Alex. VII. 2. This examination can be supplemented by the confessor, which Suarez disapproves of in the confessions of more diligent people, because it is almost impossible for anyone to remember everything when suddenly asked; and he admits

only in general terms: • (Note what is stated on this subject in Catech. Rom. part. 2. c. 5. n. 60, where: "If the priest interrogates such people...")

[*Latin ed. p. 313*]

Having ascertained that they are contrite, he will dismiss them with the most humane words, urging them to take some time to consider their sins, and then to return. But if they should affirm that they have applied all their efforts to that matter, because it is most important for the priest to ensure that those who have been absolved do not return, they must be heard, especially if they show some desire to amend their lives, and they can be led to acknowledge their negligence, promising to compensate for it at a later time with diligent meditation. "As the Holy Scriptures say: 'The confessor should not press those who have confessed in good faith about past matters, unless something necessary is lacking.' See Fagund, *Diarium*, p. 3, vol. 4, no. 89. (See also point 505.)

3. It is not necessary to write down sins so that they are not forgotten, contrary to what some teach, such as Suarez, Vasquez, and others. Indeed, Soto says that this should not be done, because of the risk of divulging them. However, Layman and others argue that it should be encouraged, provided that excessive anxiety is avoided, for which reason it may be prohibited for scrupulous individuals.

4. A confession is invalid if it is not complete, due to ignorance or morally culpable negligence, as various authors teach, such as Suarez, and others in general, contrary to Soto, because the Council of Trent requires a diligent examination.

5. It does not harm the integrity of the confession, in itself, if someone who has fallen into a grave sin confesses it to another first, and then to their confessor, mentioning only venial sins (although the confessor who does this imprudently may forbid it, or reprimand him); unless, that is, the opportunity for sinning remains, or he does so in order to sin more freely; in which case, he will sin gravely, and the confession will be invalid due to the lack of contrition. Thus, Fillon, Layman, book 5, chapter 6, and Cardinal de Lugo, book 16, no. 57.

6. Only those circumstances that either completely remove the malice, or change a mortal sin into a venial sin, such as the smallness of the matter, inadvertence, etc. (for example, if someone unknowingly ate meat on a Friday) or that significantly alter the judgment of the confessor, at least in appearance, should be explained in detail.

472. — 7. In order to maintain the integrity of the confession, mortal sins that are doubtful, as doubtful matters are properly called, must be disclosed, as Suarez teaches in book 3, part 4, chapter 22, section 9, no. 7, Sanchez, *Diarium*, Cardinal de Lugo, book 16, no. 63, Bonaventure, book 3, question 5, section 2, part 2, difference 4, and others in general,

contrary to Layman. The reason is that sins that are in the conscience must be manifested, but doubtful matters are in the conscience; furthermore, in matters of salvation, and in the means necessary to achieve this, the maxim "It is better to be the one who possesses than the one who does not" does not apply as much as the principle: "In doubt, the safer part should be chosen." (However, this does not apply to scrupulous individuals, or to those to whom a doubt arises some time after the sin, if they are usually diligent in making their confession, because it is not prudent to do so). If, afterwards, acci-

[*Latin ed. p. 314*]

It is certain that what is known with certainty must again be confessed as certain, as taught by Turretin and Sanchez in Moral Theology, book 4, chapter 10, paragraph 69. However, Cardinal de Lugo doubts this in his writings, book 16, section 2, paragraphs 79 and 92, and suggests that it is safer to avoid doing so. See Diana, page 3, volume 4, reasons 60 and 107. If, however, a sin has been confessed as certain, and one later doubts whether it was committed, one is not obligated to confess it again as doubtful. This is the opinion of Lugo and Tamburini, in their exposition on confession, book 4, chapter 4. They hold this view even if one later certainly discovers that the sin was not committed. Suarez and Tamburini, in the aforementioned work, advise that if one confesses only doubtful sins, one should be reminded to add something certain from other confessed sins; if this is not possible, one should be absolved under the condition that the doubtful sins are forgiven.

Therefore, the question arises: Is there an obligation to confess mortal sins that are doubtful, or to confess something when one is in doubt whether a sin has been committed? Three questions arise that must be discussed, which are very necessary for practice. It is doubted whether one is obligated to confess mortal sins positively as doubtful, namely, if both reasons are equally probable, whether the mortal sin was committed or not? The first opinion affirms this, and this is held by Merbes in his work on the Eucharist, page 348, question 5; Habert, volume 6, page 244, question 6; Concina, volume 9, page 329, paragraph 10, and others who are considered "antiprofessionalists," who say that in equally probable opinions, the safer course is to be followed. The second opinion, however, is the most common, and it is held by Sanchez, book 4, decrees, chapter 10, paragraph 76; Suarez, in his third part, page 4, book 22, section 9, paragraph 6 (where he defends this view, even if it is more probable that the sin was committed); Sylvester, in his work on Confession, book 2, question 4, paragraph 3; Sylvius, in his third part, question 6, article 4, ad 3; Roncaglia, chapter 2, question 7; Anacleto, page 606, paragraph 55; Escobar, treatise 15, number 183; Bonaventure, book 4, question 4, part 4; Holzmeister, page 412, paragraph 458, along with the common opinion; Viva, in his work on the Eucharist, question 4, article 7, paragraph 9 (who

also asserts that this is the common opinion); Tamburini, in his Method of Confession, chapter 4, paragraph 9, paragraph 65 (who says that this is certain among all); Fillon, treatise 7, chapter 4, paragraph 409; Diana, part 4, treatise 3, reason 5; Spotorno, in his work on Penance, number 389, and Salmeron, in his work on the Eucharist, chapter 7, page 3, paragraph 29, along with Gerson, Henry, Dicastus, and others who are considered "probabilists" in common. The reason is that each person can lawfully conform to an opinion that is truly probable. However, Holzmeister, number 463, and Viva, in the aforementioned passage, number 5, along with Sanchez, Henry, and others, rightly point out that in articulo mortis, if one doubts whether one has committed a grave sin, or whether one has confessed it, knowing that one has never received the sacrament of penance after such a sin, then one would be obligated, not to confess the sin positively as doubtful, but either to receive sacramental absolution, or at least to elicit an act of contrition. But someone might say: "Contrition, as a necessary element, includes the will to confess; therefore, since confession is possible, contrition alone is not sufficient." Holzmeister responds in number 462 that true contrition has, in itself, the power to remove sin, and it does not remove mortal sins that are certain without the will to confess, except to the extent that, if the divine precept to confess is present, one would not truly be contrite if, when one could, one would not fulfill this obligation.

[*Latin ed. p. 315*]

But this applies when a mortal sin is certain, and therefore the matter necessary for confession; not, however, if the sin is doubtful; for then, since it is not a necessary matter, just as contrition without the vow of confession remits venial sins, so also does doubt concerning mortal sins. 474. — It is doubted whether we are bound to confess mortal sins negatively doubtful? The first opinion, which is the more common, affirms this, and it is held by Busemb., as above, Sanch., loc. cit., n. 66, Suar., n. 7, Lugo, d. 46, sect. 2, § 3, Pal., part. 9, num. 47, with Nav., Sylvest., and Laym., Anacl., p. 606, num. 54, Diana, p. 40, tr. 42, n. 2, Escob., l. 15, n. 476, Tamb., Meth. Conf., l. 2, c. 4, § 3, n. 14, Laym., de Consc., c. 5, § 4, n. 37, Ronc., cap. 2, q. 7, r. 1, Sporer, num. 392, Salm., de pæn., c. 8, p. 3, n. 35, from D. Th., in 4, d. 21, qu. 1, art. 3, ad 3, where he says: And likewise, he exposes himself to danger who, concerning that which he doubts to be mortal, neglects to confess it. However, he should not assert that it is mortal, but should speak with doubt, and await the judgment of the priest, whose it is to discern between leprosy and leprosy. The first reason is that in the Tridentinum, session 14, c. 5, it is stated: "It is necessary that all mortal sins, of which the penitents have knowledge, be enumerated in confession." If, therefore, all mortal sins of which one has knowledge are to be confessed according to the Council, then also mortal sins about which one has doubtful knowledge are to be

confessed. The second reason is that the law of confession is in possession, and therefore, in doubt, sin must be confessed. The third reason is that this appears to be a universal and established practice of the faithful, and therefore it is presumed to have originated from Christ's institution, and to have been observed until now through tradition. The second opinion, however, denies this, and it is held by Merb., p. 348, q. 5, Habert, t. 6, p. 244, q. 6, where he says: "He who doubts without probable reason should put aside the doubt." Coninch., tr. 2, d. 7, dub. 8, Holz., p. 413, n. 459, Marchant, in Tribun., tr. 4, tit. 6, q. 5, Sa v. Eucharistia, n. 23, Mazzotta, tr. 4, d. 1, q. 3, c. 5, and Laym. calls probable, loc. cit., n. 37, in fine, Viva, de pæn., qu. 2, art. 2, n. 7, citing S. Anton., Palud., Less., Tap., Præp., Amic., Haunol., etc., also Boss., Henr., Ferr., de Jan., etc., apud Guimen., and Croix, l. 6, p. 2, n. 609, who calls it probable from intrinsic reasons. And indeed, although the first opinion is very probable, and supported by great authority, this second opinion does not seem to be without its own probability. The second reason is that the Tridentinum, loc. cit., obliges the penitents only to confess all mortal sins of which they have knowledge. It does not say, as if they are in their knowledge, namely, either as certain, or as doubtful, but of which they have knowledge, which implies having certain knowledge of the sin; for conscience, as St. Bernard says, is nothing other than the knowledge of the heart, and the practical judgment concerning the sin committed. But doubtful conscience is neither knowledge, nor judgment, but a suspension of judgment; therefore, it is far from.

[*Latin ed. p. 316*]

It can be said that one may have a conscience of sin without knowing what that sin is; and thus, the opposite of the first reason is answered. This is confirmed from the same Council of Trent, ibid., where it is added: "For it is clear that nothing else is required of penitents in the Church, than that, after each one has diligently examined himself..., he confess those sins of which he remembers, having recalled that he has mortally offended God; but all other sins, which do not occur to him upon diligent consideration, are understood to be included in this very confession." Therefore, just as a penitent is not bound to confess venial sins, so neither is he bound to confess doubtful sins, since the Council states that the penitent ought to confess nothing other than those mortal sins of which he remembers; but to doubt is not to remember, rather it is to not remember.

Reason 2: Because a certain obligation cannot be imposed for a doubtful offense; nor, when there is doubt whether a law exists, is there an obligation of the law (as wisely says Benedict XIV, Notification 80, no. 49); for although there is a certain law of confessing mortal sins, and therefore he who is certain that he has committed a mortal sin, and doubts negatively (for if he doubts positively, we shall say more about this shortly), is bound to confess, nevertheless, there is no certain law of confessing doubtful mor-

tal sins. And thus, the opposite of the second reason is answered.

Neither does the authority of St. Thomas, which is cited, present an obstacle; for the Saint, there, does not speak of the one who, after diligent examination, forms a judgment that his sin is doubtfully mortal, and therefore sets aside the doubt according to the aforementioned rule, namely, that there is no certain obligation where the offense is doubtful; but he speaks of the one who is certain of his evil action, and does not know whether it was mortal or not; this person is certainly bound to use diligence to set aside the doubt; and since he cannot set it aside, he is bound to abide by the judgment of the confessor, who is to discern between leprosy and leprosy.

Neither does the practice of the faithful, as it is objected, present an obstacle; for Holzmüller and Elbel with Herincx say that it is rightly doubted whether the faithful confess mortal sins out of a persuasion of obligation, or for a greater relief of conscience; for this reason, the faithful are accustomed to confess even doubtful sins positively, of whose confession the obligation itself is not recognized by almost all faithful, even by the adversaries. Also, Holzmann says that the aforementioned practice has been strongly continued through error, which cannot introduce a binding custom.

Hence, Henriq. l. 8. o. 45. n. 2, Sa v. Euchar. n. 23, and Gran. Leand. and others apud Guimen. de Euch. prop. 3. num. 2, state that one is not bound to confess before receiving Communion, if he doubts negatively whether he has committed a mortal sin, because first, the precept of preceding confession to Communion does not urge more strongly than the precept of preserving the integrity of confession, since both are of divine law; secondly, the precept of the Council of Trent of preceding confession (sess. 13. o. 7) does not obligate except him who is conscious of a mortal sin; but it cannot be said that one is conscious of his sin who doubts about it.

But this is opposed by a difficulty, namely, that one who approaches Communion with a mortal sin.

[*Latin ed. p. 317*]

He exposes himself to the danger of frustrating the effect of the sacrament. To this difficulty, someone might respond, as Sanchez, Pontius, Kasq., Perez, Hozes, and others cited in book 4, chapter 54, state: it is not illicit for those receiving the sacraments to act on a probable opinion, in contrast to those administering the sacraments, who cannot administer them except with a safer, or at least morally certain, judgment; it suffices for receiving the sacraments that one approaches with a probable disposition. But if someone does not wish to use this response, he must say, with Holzmüller, that in such a case, the one about to receive Communion must be contrite, or receive sacramental absolution (even if he conceals that sin), in order to remove the obstacle of that sin, if it should be present.

476. Furthermore, in practice (speaking generally), confessors should certainly hear from penitents the confessions of both mortal sins that are negatively doubtful, as well as those that are positively doubtful, since this generally benefits the tranquility of conscience. I said "generally," because those who are scrupulous should certainly be excused from the obligation of confessing doubtful sins; for they are only obligated to confess certain mortal sins, and those about which they are certainly not confessing; (see what will be said next in number 477, at the end), as commonly taught by Sanchez, book 40, number 85; Laym, number 37; and Croic, number 644, with Busemb., Stoz, Caj., Med., Henr., Nav., Rodr., etc. Also, those who are of a timid conscience, and do not usually deliberately and mortally sin, should be excused from the obligation of confessing doubtful mortal sins; for these can reasonably, indeed morally certainly, believe that they did not consent, because presumption is taken from what commonly happens; thus, Croic, number 642; Bonaventure, on sins, part 3, question 2, chapter 49; and Sayr., Reg. Boseo, and Herincæ, apud Croic, book 4, number 546; and Habert, volume 3, on conscience, chapter 2, at the end, where he wisely says: If a man of proven piety is uncertain whether he consented to a venereal pleasure, he should be morally certain that he did not consent; for it cannot morally happen that a will so firm in a good purpose would change, without clearly realizing it. Salmanticenses teach the same, Scholastic tradition, book 40, number 495, saying: He who has a sufficiently firm mind, therefore, never, or at least not truly, consented to anything grave, and is disgusted by the movements of sensuality, should not fear that from any permission or lack of resistance he will immediately consent; for that disposition of mind seems to sufficiently remove the danger. The reason for this is that those who are habitually attached to God, and who greatly fear losing divine grace, should give themselves great strength, so that they despise the reproaches of conscience, and do not deliberately cast themselves into sin; but they cannot do this unless they are certainly aware of the evil that is being avoided; for as the most learned Father Alvarez says (apud Croic, book 4, number 547): Full consent in a mortal sin is such an injustice that it cannot be hidden or ignored, but it is easily recognized in a venial sin. Hence, the Lord said to St. Theresa: "No one will lose me."

[*Latin ed. p. 318*]

Unless he certainly knows it. However, to presume that full consent was lacking in a pious person, the following conjectures, as presented by Croix in book 4, number 547, are most helpful: if he has had a serious and repeatedly expressed intention of never committing mortal sin, and he does not certainly know that he has revoked it; if, when he recognizes evil, he is terrified and immediately repels the temptation, and immediately doubts whether he has consented; if he remembers that he proceeded timidly; if he does not know whether he acted or thought anything while awake or

asleep, because if he had been awake, he would already have recognized it and known. Conversely, the opposite should be assumed of one who is accustomed to easily falling into mortal sins, because in such a case, it is presumed that he has consented; for if he resisted, he would certainly remember the efforts he made to repel the temptation. Therefore, Croix correctly concludes in book 6, page 2, number 612, that it rarely happens in such people, of either the first or second kind, that there is a purely negative doubt, because presumption (as Soto, Sanch, Moya, etc., say) is based on the probability of having given consent, or dissent. 477. — 3. Is one obligated to confess a mortal sin that he certainly committed, if he doubts whether or not he confessed it? The answer is: If the doubt is negative, then he is indeed obligated to confess it, as commonly taught by Sanch in book 4, chapter 10, number 71, and by Nav. Suar. Dic. and others throughout, along with Salm. de pænit. chapter 8, page 3, number 34. On the other hand, if the doubt is positive, so that he probably believes that he has already confessed the sin, there is the opinion that he is not obligated to confess it, and this is defended by Suar., Nav., Sylvest., Bonac., Lugo, Salm., Croix, etc. However, just as the opinion of those authors mentioned elsewhere, who said that there is no obligation to fulfill vows that have probably been fulfilled, seemed very unlikely to me, so too I cannot approve this opinion with regard to a sin that has probably been confessed, since the obligation of confession is certain, and the satisfaction is doubtful. However, I do not reject what the same cited authors say, namely that he who has been diligent in confessing his sins, if he later doubts whether he has omitted anything, after a long time has passed since it occurred, is not obligated to confess it, because he may reasonably believe that in that case he has already confessed it morally with certainty. And P. Conc. adds on page 338, number 43, that if someone has previously fallen into several sins through habit, and then has truly converted through constant integrity of life, if he then doubts whether he omitted anything in a general or particular confession made with due diligence, the confessor should forbid him even to think about his past life, but rather should urge him to spend time in pious meditations. However, scrupulous people are very little obligated to confess past sins, unless they are certain that they have never confessed them, as is commonly said by Cajet., Nav. Med., Hurt., Becan., Reg., etc., along with Croix, number 614. They also add there, Sa, Stoz, and others.

[*Latin ed. p. 319*]

It is not required to confess anything in confession except what one can swear to have been mortal sins, and one must never say anything that is not true. See the statements on this matter in book 4, numbers 46 and 478.

It is debated whether someone who confessed a certain sin as doubtful is obligated to repeat it later, when they now acknowledge it with certainty. The first opinion denies this, and this is held by Tamb. Method. Conf. book

2, chapter 4, section 4, number 24; Holzmann, number 489; Sporer, volume 3, page 216, along with Arriaga, Pel, etc.; Escob, book 15, number 47; Elbel, page 248, number 467, along with Bosco, Stoz, Herincx, etc., and this is supported by Lugo, number 46, number 78. The reason is that the sin has already been confessed as it was known at the time of confession, and has already been directly absolved.

The second opinion, which we follow, affirms (1) and is held by Busemb, as mentioned above; Bon., book 5, question 7, page 4, number 45; Sanch., book 1, chapter 10, number 69; Roncaglia, chapter 2, question 8, Conc., page 337, number 39; Viva, question 2, article 3; Diana, page 40, treatise 46, number 79, along with others commonly; Cardenas, book 54, chapter 2, in Select, who calls the opposite opinion improbable; and Lugo, in the aforementioned place, although he defended the first opinion, he concludes as follows: "However, since in matters of morality it is not easy to deviate from the common opinion, I do not wish to define anything in this matter, but to follow the more secure opinion." The reason for this opinion is that, although the sin has been directly absolved, it has not been confessed as it was known, as required by the Council of Trent, nor has the substance of the sin been explained, which consists of its known gravity; therefore, in order to complete the integrity of the confession, it is necessary to manifest it as certain. This does not contradict what Sporer objects, namely that if someone confessed to having committed fornication ten times, more or less, and later realized that they had committed it eleven times, they would be obligated to confess it again. It is answered, with Roncaglia, Diana, and others, that there is a difference in reason between the first and second case; in the second case, the judgment of the confessor does not vary so noticeably as in the first, because in the second case, the error in the number is not about the substance, because, according to human language, in the number ten, with the addition of "more or less," the eleventh is morally included, and therefore, this is how the common practice of the faithful is, who do not believe that they are obligated to explain a small number, when they have expressed it with uncertainty, by saying "more or less." In the first case, however, when someone confessed a sin as doubtful, and then acknowledged it as certain, the error is about the substance, because in the doubtful accusation, the certain is in no way included, nor is a doubtful accusation of a crime ever accepted as certain, even in human terms. It is most likely said by Sanch., book 4, chapter 10, number 69; Bon., book, number 15; and Salm., de pcenit., chapter 9, page 4, number 27, along with Suar. Con. Nugn (1) "But the true and most common opinion affirms." Hom. Ap. tr. 16, number 34. Edil.

[*Latin ed. p. 320*]

It is commonly held by Valerius of Corduba, Victorius, and others, that: if someone confesses a sin which neither he himself nor the confessor knew

to be mortal, and afterwards learns that it is mortal through his own contrition, he is not obligated to confess it again. The reason is that, in this case, the penitent has already disclosed his sin to the confessor, as far as his conscience was aware at that time, and now is, and nothing new arises in the present, except that he now knows the matter of that sin to be grave, which he did not know before.

ARTICLE II. When is a confession considered sufficiently complete in its formal aspect?

479. What constitutes a formal completeness? And who is considered physically incapable of achieving material completeness?

I. A mute person. Is he obligated to confess in writing, or through signs?

II. A deaf person.

III. A person ignorant of the language. Is he obligated to confess through an interpreter?

IV. A dying person.

480. Is a dying person to be absolved who gives signs of repentance to the present priest, but is unable to explain any sin?

481. Is an infirm person, deprived of his senses, to be absolved, who shows a desire for absolution through the testimony of those present? Should absolution then be given absolutely, or conditionally?

483. What if he gives no sign of repentance?

485. What if he is incapable of the act of sin?

486. When is formal completeness sufficient due to the danger of death?

488. In the danger of contagion, can the confessor absolve, having heard of only one sin?

486. In the case of sudden illness or shipwreck?

487. Who is considered morally incapable? And what if the sin cannot be explained without violating the seal of confession?

488. Therefore, who are excused from material completeness?

489. Is there an obligation to confess a sin if it cannot be said without implicating an accomplice?

490. Under what circumstances is it permissible to reveal an accomplice to the confessor who knows him?

491. The Bull of Benedict XIV, prohibiting the questioning of the penitent about the name of an accomplice to the sin.

492. The opinion of the author, that it is never permissible in any case.

479. — ANSWER. Although some confession is always required for this sacrament, it is not always necessary that it be complete in its material aspect, provided that it is complete in its formal or moral aspect, that is, to the extent that it can be done morally, here and now, even if afterwards you must, if you can, make up for the deficiency, not immediately, but when

you are again obligated to confess, or wish to. Furthermore, when such a confession is sufficient, the following rules apply: First, whenever someone is physically incapable of confessing completely in a material sense, formal completeness is sufficient, because the divine precept does not obligate one to do the impossible. Therefore, the following can be absolved: I. A mute person, even if he indicates only one or two sins through gestures, unless he can confess in writing to the confessor.

[*Latin ed. p. 321*]

Here, concerning whether a mute person can be required to make an act of contrition through writing, as commonly taught, contrary to Cajetan, Navar, and others. The question is asked: Can a mute person be required to make an act of contrition through writing if they are otherwise unable to do so? The first opinion denies this, and this view is held by Pal, p. 8, no. 14, and Soto, Navar, Led, Vict, Val, Barb, etc., as cited by Salm, de pennit., c. 7, p. 2, no. 17. This is because, they argue, such a method of making an act of contrition is always subject to the danger of external manifestation. The second opinion, which is more probable and commonly held, affirms this, and this view is held by Lugo, d. 5, no. 87, Oroio, no. 4494, Anacl., p. 603, no. 38, Bon., d. 5, sect. 2, p. ult., Elb., p. 237, no. 134, with Henno, Cleric, Ronc., c. 4, qu. 4, r. 2, with Fag. and Salm, ibid., no. 46, with Vasq., Bec., Hurt., Henr., Gran., etc., from D. Th., in k. dist., 17, q. 2, art. 4. The reason is that he who is bound to an end is also bound to the means that are not difficult. However, this must be understood (as Bonac. and Salm. rightly point out, with Dic.), unless in such an act of contrition through writing, there is a moral danger of external manifestation, or a grave and extraordinary inconvenience. A mute person is not only required to make an act of contrition in this way in danger of death, but also during the Paschal precept, as Pal, p. 8, no. 40, Laym., c. 6, no. 4, Ronc., l. c., and Salm, ibid., no. 15, and no. 17, in the note, with Cajetan, Navar, Tol., Soto, Sa., etc., teach.

II. A deaf person who cannot explain everything (4), Laym., l. 5, t. 6., c. 8.

III. A person ignorant of the language, during the Paschal precept, or another necessity, even if they do not fully understand, if neither a priest who knows the language nor an interpreter is available; indeed, even if an interpreter is present: they are not required to make an act of contrition through them, as Suar., Vasq., Dian. teach, unless perhaps in danger of death, in which case any small act of contrition is sufficient. (But even in danger of death, it is probable that they are not required to do so, as Salm, de pennit., c. 7, p. 2, no. 21, with Cajetan, Soto, Pal., etc., teach. Unless the sick person is doubtful about contrition, as Viva, q. 4, art. 3, no. 10, states. However, in that case, it is sufficient to utter one act of contrition, as Salm, ibid., no. 23, and Viva, with the common opinion, teach. What about during a plague or epidemic? See no. 485.)

« See Card. de Lugo, d. 15, no. 64.

IV. A dying person who suddenly loses the use of their tongue, if they ask to be absolved, and give signs of pain, or have previously given such signs before others: provided that they do so with the intention of receiving the sacrament, which is to be presumed in such a state. In this case, if testimony is given (at least before the sick person themselves) by one or more witnesses, whether direct or indirect, it is taught that the priest can, and indeed probably should, absolve (at least under certain conditions), as Dian. and Lugo, d. 17, no. 84, etc., teach, citing many others: also Bon., citing the declaration of the Cardinals for themselves, and Praep., q. 4, dub. 5, etc., because in this way, even the sick...

(1) « This is understood of deaf persons in general, because deaf people must be taken to some remote place, so that their confessions can be heard. » Hon., Ap. tr., 16, no. 35, Edit.

[*Latin ed. p. 322*]

It is necessary and fitting that due consideration be given to the requirements and reverence of the sacrament. I have said this, because Tamb. l. 2. exped. conf. citing Coninch. Præp. and Lugo teaches that one can and should be absolutely absolved, even if absent, who has given a sign of contrition before. Finally, if no sign is given, he cannot in any way be absolved, since the judicial act is not exercised unless preceded by an accusation. Although some more recent authors, such as Tamb. de exped. conf. l. 2. c. 10. citing Homobonum, and Molf.; also Phil. Servius in Amico fideli, p. 4. c. 4. Anton. de lit. Barth. de S. Fausto, etc., believe that it is possible, indeed necessary, to absolve under the condition that he has otherwise lived a good and Christian life, because it can be presumed that he has internally elicited contrition, Diana p. 4. t. 4. r. 92. and p. 9. t. 6. r. 20. judges this to be probable based on other considerations; nevertheless, this opinion is rightly rejected by others, as Suarez, Vasq. Coninch. Mercer. Card. de Lugo d. 47. s. 3. Malder. etc., and myself in Diana, l. c., and others 12 apud Aversam; because all external confession is lacking, which is established to be an essential part of this sacrament, as evidenced by Trid. sess. 14. can. 9. and from no sign can it be reasonably presumed, as I suppose. See Card. de Lugo l. c. Aversam q. 10. s. 48. where he notes that absolution, which is often given to those enrolled in the Society of the Rosary when infirm, is not given as a sacrament, nor in order to complete the sacrament, but for an indulgence and to obtain remission of punishment.

480. — Regarding absolution given to the dying, several things must be noted: and it is certain that the dying person, who gives signs of repentance to the present priest, must be absolutely absolved. And it is fitting to absolve him as many times as he offers new signs of sorrow: Tamb. in Meth. Confess. l. 2. c. 10. §. 4. n. 7. And the Author de Offic. Confess. inserted in the Opera La Croiæ with Laym. and Lugo. Sotus, Canus, and Ledesma

object, and say: If the matter is lacking, where does the absolution fall? It does not fall directly upon the sins of the infirm, and therefore he would not be bound afterward to confess them; it does not fall indirectly, since no sin is explained, and it is directly absolved. Resp. that the absolution does fall directly upon all the sins of that person under the general notion of sin, as happens in a shipwreck, in war, etc.; but such a confession is sufficient in this case in that sign of sorrow offered, or in the petition for absolution; for by these acts the infirm person already confesses himself to be a sinner; indirectly, however, it falls upon particular sins, and therefore the penitent is bound afterward to explain those in particular. It is false to say that absolution is then given for an unknown cause, because rather it should be said that in this case it is given for a known cause, in the best way possible, although not fully known, as Croiæ says l. c. And this is certain from what follows.

481. — Doubt 4. Can absolution be given to a dying person deprived of his senses, who shows a desire for it by the testimony of those present?

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"Whether, by groaning, he gives a sign of pain, or by asking for absolution? Likewise, Canus, Ledesma, and Alvarez, Turrian, etc., in *Diana*, vol. 3, treatise 3, chapter 4, deny this. But it must be affirmed entirely, contrary to this, with the common opinion held by Suar., d. 25, section 4; Tol., l. 3, c. 8, n. 2; Laym., c. 6, n. 4; Lugo, d. 17, section 4 and 5; Elbel, p. 258, n. 204; Conc., p. 344, n. 4; Helzm., n. 595; Moya, *disp.* 6, question 4; the author apud Croia, Salmant., *de pæn.*, c. 8, p. 6, n. 148, along with Bellarmine, Sylvest., Palud., Tolet., Lugo, Valent., Suar., Vasq., Laym., Sa, Gonet, and many others. This is also held by Scotus apud Ludov. Caspensem, *de pæn.*, *disp.* 4, section 22, and St. Thomas, *Opusc.* 65, *de Sacram. Unet.*, where he says: "If the sick person who requested unction has lost his senses or speech before the priest arrives, the priest should anoint him; for in such a case, he should also be baptized and absolved from his sins." St. Antoninus also holds this view, whose words are quoted in the *Sacerdotale Romano* (ap. Lug., d. 17, n. 36), where it is said: "The sick person, even if he has been wicked and obstinate in his sins for a long time, and has not confessed for a long time, if he asks for a priest to confess, and in the meantime someone makes a general confession for him, the priest should grant absolution from all sins." This is proven from the Council of Arausico, in c. *Qui recedunt*, cause 26, question 6, where it is stated: "If, suddenly becoming speechless... he can receive penance, if he has a testimony of his will, either in words or in the present intention." Also, from the Council of Carthage, III, canon 34: "If the sick are unable to answer for themselves, let those who are with them testify to their will, and let them be baptized, risking their own safety." Similarly, let penance be administered to the penitent. Again, the Council of Carthage, IV, canon 76, states: "If someone asks for penance while sick, and

if, by chance, when the priest invited to him arrives, he is overwhelmed by illness and becomes speechless, or is inclined towards madness, let those who heard him testify, and let him receive penance. And if it is believed that he is about to die, let him be reconciled through the imposition of hands, and let the Eucharist be placed upon his mouth." This is also proven from St. Leo the Pope, in c. *Is qui*, cause 26, question 6, and in Epistle 89, where he decreed: "If anyone has been so afflicted by illness that he is unable to express what he wanted just before, the testimonies of faithful people present to him will be helpful, so that he may also receive the benefits of penance and reconciliation." This is also proven from the *Rituale Romano* de Sacram. pæn., §. *Ordo ministrandi*, where it is stated: "If, while confessing, or even before beginning to confess, the sick person loses his voice and speech, he should try, as far as possible, to indicate his sins with gestures and signs, and if his sins are known, either in general or in particular, or even if he shows a desire to confess, either by himself or through others, he should be absolved." However, the opponents wrongly object that this *Rituale Romanum* was composed by a private doctor, even though approved by the Pope; therefore, they say that it does not...

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To exceed private authority, when one does not possess authority, but only Pontifical approval. But rightly, Lugo, book 4, number 47, paragraph 48, and Dian, *loco citato*, refute this; for Paul V, in the bull, expresses that this Ritual was issued with the authority of the Apostolic See, with these words: "After Pope Pius V judged it necessary to publish a Breviary and a Missal, it remained that the rites of the Catholic Church should be published with the authority of the Apostolic See." Then he adds: "Therefore, we urge Bishops, pastors, etc., in the Lord, that in the future they use the Ritual established by the authority of the Roman Church in the sacred functions, and that they inviolably observe in this matter of such importance, which has been established by the ancient usage of the Catholic Church, and approved by it." And Croia, number 4459, states this opinion with probability, as Lugo, *Dictio et Consilia*, etc., have a place, even if there is only one witness, and mediate signs given by the sick person; for by such testimony, it is sufficiently noted that the confession of the sick person has been made to the confessor. Nor does the decree of Clement VIII, in which he condemned the confession made to an absent person by letter or messenger, present an obstacle; for, as Conchinus states in his book on Absolving Morals, from the testimony of Peter Lombard and Cardinal Bellarmine, the same Clement, when later questioned about this case of a dying person, replied that he had not intended to include such a case, but that such a dying person should certainly be absolved. Suarez also testifies to this in Tanner, question 9, number 46, from the words of Clement VIII and Paul V himself. Elbel also says this, number 207. But should absolution

be given absolutely, or conditionally? The Doctors generally hold that it should be given absolutely, because, as Tumburinus says in *Methodus Confessionum*, book 2, chapter 10, number 8, "the priest acts rightly by operating with probable consent"; so also Lugo, book 4, number 47, paragraph 90, and Sporer, number 540, with Vasquez and Fillon, and Viva also agrees in the Appendix to the condemned propositions, § 11, saying that in a case of necessity (where certainty is always to be sought), the sacraments should be administered absolutely, always and when there is a probability of the matter; conditionally, however, when there is only a prudent doubt. But Croia, although he also states in book 6, page 2, number 1769, that absolution should be given absolutely when there is a probability of the matter; in the present case, however, in book 1, number 1456, he says that absolution should be given conditionally; and Wigand, *Tractatus*, 43, number 93, Bonanni, *De Poenitentia*, question 5, section 2, page 2, § 4, number 8, and Suarez, book 23, section 4, number 12, with Angeli, Sylvestri, and Antoninus, and the common opinion, as he himself states, agree with this. And this seems safer, especially when there is a prudent doubt about the signs given by the sick person, as there can easily be doubt, especially if the sick person is a country dweller.

482. — Doubt 2. What if there is no witness to the sign of penance performed by the sick person, and the sick person, being deprived of his senses, does not give any sign either? Can he be absolved in this case? The first opinion denies this, and this is held by Busembach, as above, Lugo, book 4, section 3, Suarez, book 23, section 4, Petrocchi, volume 4, page 469, question 40, and Abelly, page 139.

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n. 2. Laym. c. 8. Ronc. c. 3. q. 7. et Dian. p. 3. t. 3. r. 8. with Henr. Naldo, etc. The reason is brief, but very compelling, because at that time, the matter of the sacrament is lacking, which ought to be sensible. The second opinion, however, is more common, affirming that the sick person can and ought to be absolved, provided that they have lived a Christian life, and this is held by Merbes in *de pænit.* t. 2. p. 232. q. 85. Morinus l. 40. c. 40. Genettus t. 4. p. 296. q. 5. Holzm. p. 454. num. 594. Spor. n. 245. Elbel n. 208. Viva l. c. Salm. de pænit. c. 8. p. 6. n. 457. Tamb. c. 40. n. 42. Oroiæ n. 4162. zum Carden. and considers it probable, as stated in p. 349. n. 45. with Salmer. Juenin. Pontio, Vanroy, Raynaud. Henr. à S. Ign. Mach. Pell. etc., as cited in n. 4. The same is taught by D. Antoninus, whose words are quoted in the *Sacerdotali Romano* (apud Lugo d. 47. num. 86.), where it is said: "The sick person who has lost the ability to speak, or the use of reason, if they have lived well, even though they have not requested the sacraments, because such things have happened to them unexpectedly... should be presumed contrite; and the priest should grant absolution from all sins." This is clearly confirmed by D. Augustine in *l. 4. de Adulter. conjug.* c. 26., where it is stated: "For

those who are at the end of this life and are catechumens, if they are so afflicted by illness or by some accident that they cannot ask for baptism, it is beneficial to them that their will is known to be in the Christian faith, so that they may be baptized in the same way that infants are baptized, whose will is not known." Even though their will is unknown, it is much better to give to one who does not will, than to deny to one who does will, when it is not apparent whether they will or not. Then, the Saint continues in the same book, c. 28., and teaches that the same reason should be applied to baptism and penance, saying: "For the effect of baptism is the same as that of reconciliation; if, therefore, the penitent is in danger of death, the Church ought not to deny them this life, but rather to grant it as a pledge of their peace." But you will say, where is the matter of the sacrament (namely, confession and contrition) which ought to be sensible? Genettus and Juenin respond that if a simple sign of sorrow given by a dying sinner, as we have said, is sufficient to presume that they are disposed, how much more so is a good life lived beforehand? But this answer is not satisfactory; for to grant absolution, it is not sufficient to presume internal sorrow, but an external manifestation of sins is required, and without this, the matter of the sacrament is lacking. Nor is the other answer of Juenin satisfactory, namely, that the acts of the penitent, according to Scotus and others, are not the matter by which the sacrament of penance consists, but only the matter around which it is, that is, the disposition to receive the sacrament; but this disposition does not necessarily have to be sensible; for this is objected to because this sacrament was instituted by Christ the Lord (as taught by Tridentinum) in the manner of a judgment, and therefore it is absolutely necessary that there be at least a general accusation of sins, so that a sentence of absolution may be pronounced. Therefore, it is better to say, as Viva and Salm. ll. cc. say with Aversa, Molf. and others, that in this case, one ought to...

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A prudent doubt arises when a person, either before or after losing their senses, is aware of the danger of their damnation, or when, after losing their senses, they become aware of this in a lucid interval, and it is presumed that they desire and request absolution through truly perceptible signs, namely through sighs, bodily movements, or at least through anxious breathing, even if the confessor does not perceive these signs at that time. Such signs are sufficient, in such a necessity, at least based on a prudent doubt, to grant absolution under a condition. As Genettus states, absolution should be given absolutely; however, when no certain sign is present, as rightly noted by Petrocor, Salm, Sporer, Holzmann, Croix, Elbel, Viva, and others, absolution should be given unconditionally, provided that the matter of the sacrament is restored if it is lacking. This opinion is quite probable, not only externally due to the authority of so many esteemed authors, but also inter-

nally: at least for the reason that, in a case of extreme or urgent necessity, it is permissible to use a doubtful matter, a principle most highly proven among theologians, as stated by Juenin in *Institutiones Theologicae*, volume 7, pages 554 and 557. In this case, we can rely on an opinion that still has a slight probability, as correctly stated by Sanch in *De Matrimonio*, book 2, chapter 36, paragraph 8, and by Dec in *Decretum*, book 4, chapter 9, paragraph 25, Viva in *Dictio*, section 44, verse, and Croix in number 4462, with Gobat, and further supported by Carden in *De Proprietatibus Damnandi ab Innocentio XI*, dissertation 4, chapter 7, number 48, with Nav. Soto and Filguera. The reason is that necessity makes it permissible to administer the sacrament under a condition in any doubt; for by means of the condition, the injury to the sacrament is sufficiently repaired, and at the same time, sufficient care is taken for the salvation of the neighbor. And it must be especially noted that the priest is obligated, whenever possible, to absolve the sick person, as stated by Mazzotta in volume 3, page 364, and by Suar. Vasq. *Conciones Sylvestri Cajetani* with the common opinion of Viva in the aforementioned passage. As is also gathered from the chapter "Si presbyter," which states: "If a priest denies absolution to a dying person, he is guilty of souls." However, Ronc. in *De Poenitentia*, chapter 3, at the end, rightly points out that it is not always necessary to absolve a person who has lost their senses within a short period of time, unless it is done twice or three times, maintaining a proportionate interval; for truly, in such cases, the necessity that existed in the previous absolutions ceases. However, it should be said differently if the loss of senses persists for a long time (1). 483. — Doubt 3. Can someone who has lost their senses, while in the act of sin, such as adultery or a duel, be absolved? Genettus denies this in page 300, question 6, Habert in volume 6, page 468, Juen in volume 7, page 555, and Conc in page 349, number 15. However, Holz in page 452, number 594, the author of *De Officio Confessariorum* (found with Croix), and Elbel in page 261, number 214, with Pontio, Carden, and Stoz, believe it to be probable. These authors say that such a sick person should also be absolved under (1) "It is not denied that if the loss of senses persists for a longer time, and the actual danger of death is present, absolution can be repeated several times, for example, three or four times in a day." *Homo Apostolicus*, treatise 16, number 37, edition.

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condition, provided that it is established that he is a Catholic. They state this, Merb. vol. 2, p. 238, line, and Dupasq. vol. 8, p. 225, that any priest can administer it, at least with the aforementioned condition: and Merbesius supports this with the authority of St. Augustine, l.c., on Matrimony, chapter 28, who says: "I believe that not only catechumens, but also those who, although married in this life, retain adulterous relationships, should be baptized, if they are despairing and lying in repentance, and are not able

to answer for themselves. For who knows whether, perhaps, they were held back by the allurements of carnal sin until baptism?" But, indeed, baptism is the cause of reconciliation, if perhaps the danger of ending life has overtaken the penitent. The Petrocorensis objects that the Doctor speaks here only of those who have given a sign of repentance, which he infers from those words, "if they are lying in repentance"; hence, (he says), it is implied that such penitents have already given some sign of their repentance; otherwise, how could they be known to be repenting within themselves? Merbesius responds correctly that "repenting within themselves" should not be understood absolutely, but doubtfully, namely, if they are perhaps repenting: and this is made manifest by the following words of the Doctor: "For who knows whether, perhaps, they were held back by the allurements of carnal sin until baptism?" Therefore, when St. Augustine says, "Who knows," he implies that such sinners have not given any sign of conversion, otherwise it would already be known that they have decided not to continue in adulterous relationships. And this opinion seems to me quite probable for the same reason that was given in the preceding Doubt; for if a sick person deprived of the use of his senses can be lawfully absolved and should be absolved, if he has lived Christianly, because it can prudently be presumed that, in the last moments of his life, if he has any lucid interval, he desires to receive sacramental absolution; so too, a Catholic can and should be absolved (understand always with the condition), even if, in actual sin, he is deprived of the use of his senses; for it can also be deservedly presumed that, being in the very danger of his damnation, he desires in every way to promote his eternal salvation. I said a Catholic; otherwise, it must be said differently about a heretic, as Holzm. correctly points out, no. 594. For heretics, even if they give signs of repentance in such a case, should not be absolved, unless they expressly ask for absolution, because it cannot prudently be presumed that such signs are given in order to confession, from which they are extremely averse. 484. — "Secondly. When danger of death threatens the penitent or the confessor, which prevents the former from making a complete confession, nor the latter from hearing it, a formal absolution suffices. The reason is that, in such a case, moral impossibility prevents material confession, which is valid in the following case, no. 4. If the penitent, e.g., a sick person, mentions one or another sin, and there is a grave danger that he will die, 2. If the sick person, wishing to confess, is prevented from doing so while being given the Holy Eucharist,..."

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It is given that many confessions are made invalid, and the gravity of the illness does not allow for the delay of absolution. Gran. Dian. p. 5. t. 3. r. 75. » (See the aforementioned statement, no. 260.) 3. If the priest himself is in danger, and it appears that he will die before being absolved, he should be absolved. 4. If, during a time of plague, it is morally certain, according to

prudent judgment, that the confessor will be infected, then, if he nevertheless wishes to hear the confession, he is obligated to hear the penitent. 485. — Similarly, Concina teaches on page 339, no. 2; Wigandt teaches in vol. 43, no. 402; Abelly teaches on page 439; Bon. de pœn. d. 5. q. 5. sect. 2. punct. 2. n. 43, with Vas. Con. etc., that when a sick person is suffering from a contagious illness, and the confessor cannot hear him without danger, even from a distance, for a prolonged time, then the confessor, having heard of some sin, can immediately absolve him. Thus, Ronc. c. 3. qu. 4. r. 2, also excuses, with probability, a confession that is not materially complete, if it is very lengthy and contains a grave indication of the penitent's guilt, when the necessity of Communion or other sacraments is pressing, and there is no time to spare. However, he is least excused who, because of the length of the confession, others might easily suspect to be burdened with many grave sins. 486. — « 5. If a conflict is imminent, or there is a multitude of dying people, e.g., in a shipwreck, and not all can be heard, then all could even be absolved simultaneously, by mentioning one sin, which is less scandalous (or, according to some, if it cannot be done otherwise, by saying in general that they are sinners), saying: "I absolve you, etc." See Sa, under "Absolution," and Con. de sacr. d. 7. dub. 9. (However, a large number of people coming to the same confessor will not be sufficient grounds for dispensation, as stated in prop. 59, among those condemned by Innocent XI). 487. — « Third. When, from a confession of a certain sin, or from circumstances, a serious and justifiable harm is feared, either to oneself or to another, whether to the confessor or to another, bodily or spiritual, it may be omitted. The reason is that the divine precept regarding integrity does not obligate with such great inconvenience that it could lead to sin by confessing, e.g., I. If a priest is about to reveal a certain sin (understand with Con. Card. de Lugo d. 26. n. 527, that the penitent himself is not obligated to reveal it). II. If he knows, e.g., a woman, that from a certain sin to herself, or to the confessor, there will be danger of ruin. III. If a grave harm or danger of life or reputation threatens the penitent. In these cases, however, it seems that the necessity of confessing is required, e.g., for the sake of annual Communion, or if it would otherwise be postponed for a long time. » (Lugo, Henr., etc., are quoted in Salm. de pœn. c. 8. p. 5. n. 423, stating that even those who are in mortal sin and must wait for another confessor for two or three days have a sufficient reason to shorten their confession). See Fili. t. 27. c. 6. Card. de Lugo, in the same place, where he warns that such harms, or

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The dangers are not easily feigned; and indeed, in religious matters, they can scarcely have a place. Fourthly. If someone cannot confess a certain sin, or circumstance, without violating the seal of confession, for example, if he had been invalidly absolved from a sin of simony, and he could not

confess it, except to someone who could easily deduce from it who he was. 488. — "From all the above, it follows that the following are also excused from material confession: I. Those who have a reserved case, as explained below, and Laym. l. 5. t. 6. c. 42." (But see note 265, Q. II.) "II. Those who are scrupulous, and are constantly troubled about forgotten sins." (So also Holzm. n. 550, with commentary, and Elbel n. 450, with Laym. Ills. and Stoz.) III. Those whom a priest absolves before they have had a chance to hear everything, as Bon. states here. IV. Those whose memory fails them, so that they say they committed a mortal sin in general, but cannot recall the specific act: although it is advisable to add some venial sin at that time. Thus, Conin. and Laym., in the cited passage, against Sotus and Medina. V. Those who, being extremely uneducated or simple, say they are sorry for their sins, but cannot name any specific sin, not even a venial one: these, although they might, in theory, be absolved, cannot practically be absolved, but should be given a blessing and allowed to receive Holy Communion. Thus, Laym., in the cited passage. VI. Those who cannot confess a certain sin without implicating an accomplice, for example, if they committed a sin with their mother or sister, whom the confessor knew, then, if they cannot have another confessor, they would be obliged to go to another, but it would suffice, and indeed, it should be said, that they committed the sin with that person, or in general, with some other person, in a state of fornication or adultery, omitting the specific details, as far as it is permissible without revealing the accomplice, with the intention of confessing fully to another priest on the next occasion. Thus, Nav. cap. 7, Bon., Conin., Valent., Prosp. here, dub. 6, Gormaz, etc. The reason is that when two divine precepts concur, a natural one and a positive one, which cannot be observed simultaneously, the natural one is to be preferred, because it is more strictly binding. Although it is more likely that the opposite is taught by Fillius, Suar., Vasq., Less., Card. de Lugo, art. 46, n. 394, Hurt., Con. et atti commun. Therefore, such a person is not obliged to remain silent about that sin, in order not to implicate the accomplice, unless it is convenient (which Card. de Lugo extends even to cases where there is no accomplice, without whose revelation the sin cannot be explained); therefore, care must be taken to avoid mentioning names to the confessor, unless it is necessary for the penitent's guidance; in that case, that infamy is not so great, and the one who sinned should bear it. However, the advantage of guidance must be weighed against the infamy. The reason for all the above is that, in these cases, a materially complete confession cannot be made in a timely manner. Laym. c. 8, Fag. p. 4, c. 3. See Dian. p. 3, t. 4, res. 64 and 134, as well as p. 4, t. 7, rea. 49, Les. lib. 2, c. 44, d. 44, Tamb. de eay. conf. l. 2, c. 9, §. 3.

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Where it is taught that it is probable that a penitent, solely for the consolation he feels from a friend or learned confessor, might confess to him,

even if another is involved.

489. — Whether there is an obligation to confess a mortal sin that cannot be explained without revealing the accomplice? The first opinion denies this, and, besides Navarrus and others apud Busembach, as mentioned above, Hostiensis and Innocentius in *Collectio Omnium de Poenitentia et Remissione*, and Diana, page 1, treatise 7, section 49, agree with Soto and Petitus. Their reason is that (as they say) the natural precept of preserving the reputation of one's neighbor is to be preferred to the positive precept of maintaining the integrity of confession; and Busembach and Mazzola, volume 3, number 368, along with Bonaventure, *Meditationes*, etc., consider this to be probable. The second opinion, which is the common one that we follow, affirms this, and it is held by Gonet, *Doctorum Communis*, 10th question, 4th part, page 44, number 7; the Council of Trent, page 341, number 6; Juening, volume 7, page 469; and Salmeron, *De Poenitentia*, chapter 8, page 5, number 428, along with St. Bonaventure, St. Antoninus, Cajetan, Suarez, Lugo, Layman, Sylvester, Tollet, Vasquez, Anglerius, Pontius, and many others, from the *Doctorum Communis*, who in *Opusculum*, 42nd question, 7th section, say: "If the penitent cannot express the form of the sin, unless he expresses the person with whom he committed the sin, for example, if he committed adultery with his sister, it is necessary that, in expressing the form of the sin, he also express the person." But if it is possible, he should seek a confessor who does not know the person of his sister. St. Bernard also teaches this in *Formulary of Holy Life*, saying: "Speak of nothing evil, except in confession, where you cannot otherwise manifest your sin." The reason is that the precept of confessing the sin completely must always be observed, and it can be lawfully observed; but it can be sufficiently lawfully observed in our case, since the revelation of another's crime is not unlawful, when it is done for a reasonable cause, as the same *Doctorum Communis* teaches in 2.2, question 73, article 2. Therefore, it must be observed; and thus, the reason is given against the opposing opinion of the first opinion; moreover, by consenting to the sin, he has already lost the right to his reputation in relation to the confession of that sin.

We have said mortal sin; for, in order to explain a venial sin, or a mortal sin previously confessed, it is not permissible to reveal a grave crime of another, as Lugo correctly states in *Doctorum Communis*, 16th section, numbers 412 and 443; Viva, question 5, article 7, number 5; Tamborini, book 2, chapter 9, section 2, number 45; and Roncaglia, chapter 3, question 3, section 4, against Renzi and Verricelli.

It is, however, required of the penitent, when it is convenient, to seek another confessor to whom the person of the accomplice is unknown, so that his reputation may be preserved; nor does the opinion seem sufficiently probable, which is held by Tournhem, *Praelectiones Theologicae

de Poenitentia*, question 6, article 4; Renzi, chapter 2, section 2, question 10, along with Fagius, who cites Suarez (but not well, as we will soon see), as well as Medinaceli and Gers, apud Lugo, 46th section, 392. Namely, that this is only a matter of counsel; for, commonly, it is said to be a matter of precept by Suarez, *Doctorum Communis*, 34th section, 2nd number, 4: "If the penitent can confess to one who does not know the person of the accomplice, he is obligated to do so." And in this, all agree, as Layman states in chapter 8, number 42, along with the common opinion; Antoine, page 607, number 59; and Roncaglia, chapter 4, question 3, section 2.

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Viva, q. 5, art. 7, n. 5; Lugo, loc. cit.; Vasquez, Con. 490. — I have said that, whenever it is possible, because, according to the opinion of many, the penitent may be excused from seeking another confessor, for the following reasons: I. If there is an urgent danger of death, or if the precept of annual confession or Communion is involved, as Sporer states, p. 226, n. 472, and Viva, in the aforementioned article, 5. II. If the penitent, by not celebrating or receiving Communion, would incur a stain of infamy, as Suarez states, d. 34, sect. 2, n. 13; Lugo, d. 16, n. 416; Roncaglia and Renzi, loc. cit. III. If someone were in a state of mortal sin and was required to wait longer than two days, as Suarez states, loc. cit., n. 8; Viva, loc. cit.; and Renzi, with Fagundes. However, it seems harsh to me that someone in a state of mortal sin should remain without absolution even for a day; and Antoine, c. 2, qu. 13, r. 3, does not seem to disagree, where he states that it is absolutely not necessary to wait for someone who is in a state of mortal sin, and Lugo, n. 416, believes that such a person is less obligated to postpone confession, although he adds later: "It would be beneficial if he postponed confession for two days." And Herineœ, and others apud Salm, depen. c. 8, p. 5, n. 423, consider a delay of two or three days to be excessive. IV. If it is believed that the complexity of the case prevents the penitent from confessing to anyone other than the usual confessor, for example, if a brother has sinned with his sister, whom he knows cannot be separated from her mother's company, so that she cannot approach another confessor. Roncaglia, loc. cit. V. If it would be very difficult for someone to open their conscience to another person than usual, Lugo, d. 16, n. 416. VI. If it would be difficult for someone to confess to another person than usual. Roncaglia, ib. VII. If someone would otherwise be deprived of the benefit of a jubilee or indulgence. Renzi, loc. cit., with Cotonio and Fagundes, apud Lugo, d. n. 446. VIII. Mothers and wives are often excused from revealing the sins of their children and husbands to a confessor who knows them; for they commonly do so in order to seek advice or to alleviate their grief; otherwise, it would be very difficult for them to approach new confessors. Croiœ, l. 6, p. 2, n. 1445. IX. If someone, for the sake of the comfort they feel from a friend or learned confessor, would not want to seek another, while

many Doctors, such as Navarret, Lessius, Azor, Cajetan, and Tannery (see the aforementioned l. 4, n. 973, v. Sed), say that it is no more than venial to reveal the sin of a neighbor to one or another virtuous man; therefore, Tamburello states that it is sufficiently excused from such a venial fault, if someone, for the aforementioned reason, revealed the sin of a known accomplice to a prudent confessor. 494. — However, it must be carefully noted the bull of N. SS. Pope Benedict XIV, beginning with "Ubi primum," which is found at the end of the work, decr. IV, where the Pope strictly prohibits confessors from asking penitents for the name of their accomplice in sin. For therein, he most strongly condemns the practice of those who, from penitents (the words of the bull), seek the name of the accomplice, and who, in order to have it revealed to them, not only try to persuade, but, which is more deplorable, even threaten with the denial of sacramental absolution, unless they reveal it, proceed to the fourth volume.

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They would force and compel. Then the Pontiff imposed the following penalties upon those who disobeyed, saying: "Furthermore, We decree that whoever... shall have dared to teach that such practice is lawful, as it is condemned in Our aforementioned Brief... or shall presume to write or speak in defense of the same condemned practice; or shall attempt to impugn or rashly distort or interpret those things which are decreed in the aforementioned document against the same practice; shall, by such act, incur excommunication, from which he cannot be absolved... except by Us. But speaking of confessors who inquire about the name of an accomplice, the same Pontiff says to the penitent, if he refuses to reveal it, that sacramental absolution shall be denied to him: "Let them know that, beyond the mortal sin, they will be subject to suspension from the office of hearing confessions, and to even more serious penalties." And further below, the Pontiff adds that whoever, not from the confession itself, but from some other source, learns that a confessor is inquiring about the name of an accomplice, and the absolution is denied, is bound to report him within the customary time, under the usual penalties. However, he makes an exception in the case where the confessor does so out of simplicity, saying: "Although imprudent and wicked, the act may nevertheless be simple and devoid of those circumstances which, due to perverse credulity, or to a bad adherence to the practice condemned in Our aforementioned document, as if it were lawful, would make the same confessor suspect." Fathers of the Council, p. 693, no. 21, and the Author in the Commentary, apud Antoine, p. 506, rightly say that here the Pontiff only condemned the abuse of confessors who, under the pretext of seeking the correction of the accomplice (as the bull states), and of other goods... would not hesitate to defend themselves with certain opinions of doctors. Moreover, confessors can and are obligated, in order to maintain the integrity of the confession, to

inquire about necessary circumstances, namely those that either change the nature of the sin, or must be inquired about in order to assist the penitent's conscience, for example, if the confessor inquires whether the person of the accomplice is in the first or second degree, if he is bound by a vow, if he is a slave, if he lives in the same house, even if the confessor comes to know of the accomplice. 492. — Furthermore, beyond the necessity of explaining the circumstances of the sin, Mazz. vol. 3, p. 369, no. 4, speaking of the aforementioned bull, from Lugo, Soto, Armilla, Diana, Aversa, etc., says: "If serious harm were feared for the accomplice, which only the confessor could prevent, the accomplice must be revealed to him." The aforementioned Author in the Commentary, in Antoine, loc. cit., says: "It may sometimes happen that the penitent must be urged to reveal the accomplice, especially when it is a question of avoiding grave evils that can lead to the ruin of the republic." To prevent evil, if possible, the penitent is obligated to seek the advice of the confessor, who, according to his prudence, either by himself or through the penitent, will...

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He should seek out remedies, and unless the penitent is willing to reveal [the sin], he is by no means to be absolved; for, according to the law, no less of justice than of charity, he is bound to take care, so that the public safety may be secure. I do not speak of the damage that may threaten a particular person, for the priest can almost always offer counsel by suppressing the names of accomplices. Thus, the above-mentioned Fathers. However, I wish to explain what I think about this. There is no doubt that, at times, the penitent is obliged to reveal the accomplice in order to prevent some grave damage; but, given the very strict prohibition of the Pontiff, in order to avoid the infamy of the neighbor, the injury to the sacrament, the violation of the seal, scandal, etc., as it is expressed in the bull, it is not licit for the confessor to inquire about the name of the accomplice in order to effect a correction. Therefore, in the case where the penitent is truly obliged to reveal the accomplice, the confessor can only impose, in general, on the penitent the obligation to reveal the accomplice to someone who can prevent scandal, but it will never be licit for the confessor to say, "Reveal it to me." If, however, the penitent were to ask the confessor, of his own accord, to correct the accomplice, then the confessor must exercise great prudence, for, speaking generally, it is not advisable for him to involve himself in such a matter; for it is incumbent upon him only to take care of the damage to his own penitent, not to that of another, and only within the confines of confession, not outside of it; and, on the other hand, the confessor will find it difficult to undertake this task of correcting without the danger of scandal and offense to the sacred ministry.

ARTICLE III. What are the remaining conditions of confession?

493. Confession must be verbal. When is it permissible, or obligatory, to

make it in writing?

494. It must be secret.

495. It must be true.

496. When is a lie in confession venial?

497. When is it mortal?

493. — ANSWER. Besides integrity, there are three others: First, that it be verbal, that is, ordinarily, and this is strongly required by the use and practice of the Church, unless there is a just cause, such as impotence, whether physical or moral, which, if present, can be done by gesture, in writing, or another sign: e.g., if someone cannot speak due to anxiety, or if a girl is exceedingly modest and cannot explain herself in any other way than in writing, by which, after being read by the confessor, she adds verbally, "I accuse myself of these things." Suarez, Vasquez, Card. de Lugo, Laym. l. 5. t. 6. c. 6. n. 3. " (Likewise, Salm. de pæn. c. 7. d. 2. n. 41. cum Vasq. Can. Pal. Con. etc. And this is expressed in Extrav. Inter cunctas, de privil. where it is said: "Unless an article of necessity arises, oral confession must be made to the priest."

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They say, the aforementioned Fathers, concerning the one who, due to a hindrance of speech, experiences a very grave difficulty in confessing aloud. Tambovini speaks of the scrupulous person, who believes he can better express himself in writing. "Indeed, he who cannot do otherwise, is, according to common opinion, bound to confess through gestures, or in writing, at the time of the precept; although, concerning writing, they do not admit this, except Navarrus, Tolletus, Sotus, Valentinus, and Dionysius, outside of the article of death." (See the aforementioned, number 429, at the end, and number 479). "See C. de Lugo, book 4, number 87. Similarly, it should be advised to the deaf to confess in writing (although they are not bound to do so), lest they hear from others; and for the same reason, they should not be questioned, except about things that are plainly necessary, as Dionysius teaches, page 3, book 4, chapter 127, and page 5, book 6, chapter 5. Therefore, resolve: He who, outside of necessity, makes the entire confession through gestures or in writing, commits mortal sin, and consequently, is not absolved. Dionysius, page 3, book 4, chapter 427, from Sylvius. See Fillon, book 4, treatise 7, chapter 4. Council of Trent, session 6, decree 4. Suarez, book 21, section 3, number 5, 494.

"The second condition is that it be secret, that is, that it be made only to the priest, not necessarily, but by the custom of the Church. A public confession, such as in a shipwreck, battle, or hospital, where others are present, or is made through an interpreter, does not obligate (at least with respect to hidden sins), unless out of charity, for the one who is in the article of death and doubts about contrition; and even then, it suffices to confess

those things that cause less shame. Thus, Suarez, Fagundes, Dionysius, page 3, book 4, chapter 29, etc. Therefore, resolve: If someone has confessed sins in previous confessions, he is not bound to confess them publicly, or through an interpreter, even in the article of death; because the confession of forgotten sins only obligates by a positive divine precept, which ceases in this case. See Layman, chapter 6. Dionysius, page 3, book 4, chapters 128 and 129, 495.

"The third condition is that it be true; which is essentially required in the substantial matter, and is necessary; because otherwise, the judge would be deceived in a serious matter, and there would not be a complete confession, and therefore, it would be invalid. However, it is not required in matters that are free, because, firstly, the falsity of a sign in an accusation concerning an accessory matter does not make the judgment invalid; and secondly, because one only commits a venial sin, which is not a grave injury to the priest, nor to the sacrament. Thus, Navarrus, Suarez, etc. Therefore, resolve:

"4. It is not mortal, nor does it invalidate the sacrament: I. If one lies lightly in confession about things that are not pertinent, or are not necessary,..."

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Matters pertaining to the sacrament: for example, if you were to recount a false history, or if you were to deny a sin, whether venial or mortal, which you are bound to confess. Does one sin gravely who denies to the confessor a certain venial sin, or a mortal sin previously confessed? Cajetan, in *Summa Theologica*, 2-2, question 69, article 4, and Armilla, in *Tractatus de Poenitentia*, chapter 2, section 2, question 3, affirm this. For they say that here, one seems to inflict a grave irreverence upon the sacrament; and on this point, Father Concina greatly doubts, page 284, number 6, citing *Summa Theologica*, in the aforementioned passage, which states: "If one does not wish to confess the truth which one is bound to say, or if one denies it falsely, one sins mortally." Therefore, Father Concina does not excuse from mortal sin one who does this deliberately, because he exposes himself to the danger of grave guilt. However, the opposite must certainly be held, in accordance with the common opinion held by Busembach, as mentioned above, and Lugo, book 16, number 98; Layman, chapter 8, number 5; Antoine, page 541, question 43; Anacl, page 600, number 47; Holzmüller, number 556; Roncaglia, book 5, question 5, rule 4; Renzi, in the aforementioned work, and Bonacini, page 2, paragraph 2, number 42, along with Suarez, Sanchez, Rega, and others, in many places. The reason is that, since this is not a necessary matter for the sacrament, the confessor is least deceived in a serious matter. Regarding the passage in *Summa Theologica*, the answer is clear; for the Saintly Doctor speaks only of one who refuses to confess the truth in a civil court, which one is bound to

say. But in the sacramental forum, it is certain that there is no obligation to confess venial sins; therefore, the denial of a venial sin committed, or a mortal sin already confessed, does not exceed the malice of simple lying.

II. If you falsely accuse yourself of a venial sin; however, this will be a grave mortal sin, if you do so without providing any other matter, since in this way you render the form invalid and the sacrament itself is corrupted; unless, of course, you do so out of scruple or disturbance. Thus, Suarez, Philipe, volume 4, treatise 7, chapter 4; Layman, book 4, volume 6, chapter 8; Diana, page 3, volume 4, response 96, 497.

• 2. It is sacrilegious, and there is no absolution: 4. If you deny, or obscure, a mortal sin which you are bound to confess, and which you believe to be so. 2. As is commonly taught against Sylvestri, if you falsely impose a mortal sin upon yourself, unless it is done out of simplicity and scruple, etc. 3. If you deny, or lie, about sins which have already been properly absolved, when the confessor, as a judge or physician, asks about them, as something necessary for the present confession. Lugo, book 14, section 10; Tamburini, book 2, chapter 10, paragraph 2. This is different if it does not pertain to the present confession. Ibid. If someone affirms a mortal sin which they have not committed, or denies having committed one which they have, they commit a double mortal sin: one of sacrilege, against the virtue of religion, due to the reverence owed to the sacrament, and the other of lying, which is gravely harmful to oneself. Thus, Holzmüller, number 554, and Sporer, number 482, and others, in many places, rightly state.

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ARTICLE IV. When Confession is Invalid, and How it Should be Repeated. 498. Does a confession made to a cassocked excommunicate person hold validity? 498. Does it hold validity made to a deaf person, an uneducated person, etc.? Does it hold validity when the confessor hears of some sin? 500. Concerning the judgment of sins made by the confessor. 501. When is confession invalid on the part of the penitent? 502. How should a confession made to the same confessor be repeated? 503. What if the sin is the most trivial of all? Can a confession be shortened due to a great crowd? 504. What about the peasants who have never explained the species, nor the number [of their sins]? 505. There is no obligation to repeat confessions, unless it is established that they are invalid. 498. — • R ESPONSE. 1. This happens for two reasons. First, on the part of the confessor, if he did not have jurisdiction, or if he is certainly impeded by censure, (which should always and in every case be avoided, unless he is tolerated, Salm. de pæn. p. 4. c. 9. n. 18. Roncaglia c. 5. q. 1. and others throughout) or if he substantially violated the form, or if he does not intend to absolve, or if he did not understand any sin. 499. — • I say, none; because if, due to deafness, sleep, or distraction, he did not understand some things, even mortal ones, without the fault of the penitent, it is more probable

that absolution was valid, and that it only needs to be repeated as if it had not been heard, as Henriq. Laym. l. 5. tr. 6. c. 9. Dian. p. 4. t. 4. r. 498 teaches, against Sylv. Anton. Navar. and others. I add, without fault: because if you confess to a half-sleeping person in bad faith, you sin, and the confession is invalid, and therefore must be repeated, Tamb. l. 2. c. 40. §. 3. Finally, some, with Tol., add that if the confessor is uneducated and cannot distinguish between mortal and venial sins, the confession is invalid. But this is rejected by Suarez, Laym. and others throughout, and indeed even if the confessor thought that something was venial, which was in fact mortal; therefore, a confession made in good faith to such a confessor does not need to be repeated. Thus, Henr. Sanch. 1. mor. c. 40. n. 69. Dian. part. 3. t. 4. r. 121, against Vasq. I said, in good faith, because, if in bad faith, e.g., because you sought out such a confessor, who cannot help you, you must repeat it: because, since you actually sinned while confessing, you were not properly disposed, and therefore were not absolved. Tamb. l. 2. c. 10. §. 3. » (Therefore, the confession must be repeated because of the confessor's ignorance, when the penitent already knows him to be insufficient; or when he clearly sees that the confessor does not perceive the gravity of his sin. Salm. Je pæn. c. 9. p. 4. n. 28. and 29. Suar. d. 28. s. 2. n. 12. and Lugo d. 16. n. 602. with Gabr. Henr. Med. Sylv. Hurt. etc.) • Finally, if, at the end of the confession, you understand that the confessor did not perceive something, either because of sleep or distraction, and you do not know what those things are, you should repeat the confession, if it was brief, because of each of these things.

[*Latin ed. p. 337*]

"One can certainly doubt this," says Tamb. in the cited work, "but if the matter is lengthy, it is not to be held as binding because of a contrary reason; and it is sufficient to confess that which one doubts, whether any of one's sins have been perceived by the confessor." (So also hold Salm. ibid. n. 24, with the Dicastery and Leander, who say that Christ the Lord did not impose the precept of integrity with such a burden, namely, that all sins must be recounted in such a case, and Lugo teaches the same in d. 16, n. 607, with Sanch. etc., generally.) 500. — Salm. rightly notes ibid. n. 26, with Lugo and Pal., that the confessor is not bound to form a certain judgment on each and every sin, but only on those that are obvious and notorious. And the same is said by Tamb. with Sylvester and Holzan, n. 787, with Sporer, and others. Then Salm. says ibid. n. 27, with Suar., Lugo, etc., that if a penitent confesses a sin, which neither he nor the confessor knows to be mortal, if later it is discovered to be certainly mortal, he is not bound to confess it again. See the statements in n. 479, at the end. Salm. (dict. n. 27.) teaches, with Soto, Suar., Lugo, Pal., Bon. etc., that it is not similarly necessary to repeat a confession made in good faith to a confessor who is unaware of the species and number of sins: neither between mortal and venial sins, even in

obvious cases. The reason is that, although due penance is not imposed, the absolution is certainly valid, since all that is required for the validity of the sacrament is already present on both sides. Thus, it should be considered that Christ the Lord instituted this sacrament, knowing that such defects often occur. However, this must be understood with the qualification that, unless it is clear that the number or species of sins were explained, the integrity of the confession must certainly be supplemented, as rightly noted by Lugo dist. 22, n. 77, Elbel p. 276, n. 254, and the same Salm. de pænit. c. 12, p. 4, n. 49, with Gabr. and Dicast. Because, although the previous confession was valid, the present confession must still be made with due integrity. 501. — "Secondly, it is invalid on the part of the penitent if he was excommunicated, which will be explained below; if he concealed a mortal sin; or if he falsely accused himself; if he was mortally negligent in examining his conscience; also if he was not contrite (which is usually evident if he spontaneously asks for a deaf, uneducated, blind confessor, etc. See Sanch. in the cited work); if he refuses to accept opportunities, etc. See Dian. p. 4, t. 4, r. 201, to which it can be added, above all, if he confessed a carnal sin with his accomplice." (This is now certain from the bull of Benedict XIV, under pain of excommunication, reserved to the Pope for absolution. See Decret. I. Benedict XIV, at the end of the work, and see the statements in n. 555.) 502. — "Reply 2. If the confession is repeated before the same confessor, it is sufficient to accuse oneself with a single word of sins that are already known to him, provided that he remembers them, at least vaguely, or the person's status and way of life in general, or the penance imposed by him, as taught by Vasq., Tol., Laym., Sa, Dian. p. 3, tr. 4, r. 123. Indeed, if none of these things are present,..."

[*Latin ed. p. 338*]

But only that which he has confessed to him, they think, Laym and Diana, in the same place, will be valid, even if illicitly. The same is taught absolutely by Gravisanus, in the third part, question 9, number 1, and by Mercerus, with whom Diana, page 5, volume 14, reply 54, retracting herself, considers it probable that it may also be valid licitly. The question is asked: must the confession be repeated if the priest has forgotten the sins heard, before granting absolution? It is commonly held among Doctors that the confession made to the same confessor need not be repeated, when it was lengthy, or when the absolution was delayed, and the confessor remembers at least in a confused way the state of the penitent. Thus Navarrus, Sylvestrus, etc., whom Suarez cites and follows, in part 22, section 6, at the end; Laym, chapter 9, number 6; Concordiae Disputationes, book 7, doubt 11, number 109; Bonaventure, question 5, section 2, page 3, number 15; Croix, number 1216, with the common opinion. The first doubt is: must the confession be repeated with the same confessor, when the confession was invalid? The first opinion, which is probable, and which

is held by Suarez, in the same place, number 7, and by Concordiae, in the same place, distinguishes, and says that if the confession was lacking in some essential part of the sacrament, namely, because there was a lack of sorrow, or integrity, in the penitent, or jurisdiction in the confessor, then the whole confession must be repeated. The reason is, because in that case, the confession was not sacramental. And Paludanus, Adrian, Moya, and Ills. agree with this opinion, in part, apud Croix, number 1216, namely, in the case where the confession was invalid due to a lack of jurisdiction in the confessor, because then it was made not to a judge. Otherwise, if the confession was invalid due to the confessor, only in relation to his office, namely, because he did not pronounce the form well, or did not have the intention of granting absolution, and this is commonly held by all (as Croix says, in the same place), provided that the confessor remembers the state of the penitent. The second opinion, however, is more common, and no less probable, and is held by Navarrus, chapter 9, number 19; Lugo, book 16, number 638; Tamburrini, book 3, chapter 2, number 9; Diana, page 3, treatise 4, reply 123, with the common opinion; Laym, chapter 9, number 6, with Salmeron, S. Antoninus, Sylvestrus, Medrano, Vasquez, and others apud Croix, number 1216, says that, whatever defect may have occurred, whether it was due to the confessor, because he lacked jurisdiction, or due to the penitent, because he lacked disposition or integrity, it is not necessary to repeat the confession, but it is sufficient if the confessor remembers the state of the penitent, or resumes knowledge of it in a confused way, and the penitent generally accuses himself of all that he had previously confessed. The reason is, because, although the first confession was not sacramental, as if it were sacrilegious, or made not to a judge, nevertheless, the ratification of that confession, when the penitent then generally accuses himself of the confessed things, together with the knowledge previously had by the confessor, is considered sufficient. Also, because (as Croix probably thinks, in the same place), such a confession, when made in order to receive absolution, is sufficiently considered sacramental, inasmuch as it also binds to the seal of the sacrament.

[*Latin ed. p. 339*]

It does not please me, the opinion of Lugone, number 638, which is followed by Aversa, in *Apologia pro Doctrina Ecclesiae Catholicae*, number 1247, namely, that if a penitent, through a mere narration, states his sins to the confessor, and afterwards accuses himself of those same things in a general way, then it suffices that the confessor remembers those things in a general way. But it is truer to say, as Croix states in the aforementioned passage, that the confession must then be entirely repeated. The reason is that no sacramental confession was present then, neither the first nor the second: not the first, because the sins were not manifested in order to obtain absolution, so that the confessor was not bound to seal the sins with

the sacramental seal; not the second, because the sins were not confessed individually, as is required by the Council of Trent, where it is said that all and each sin must be explained in the sacramental confession.

Doubt 2: What if the confessor does not remember, even in a general way, the state of the penitent, but only the penance that was assigned? Navarrus, chapter 9, number 49, and Busembach, as mentioned above, with Vasquez, Tollet, Layman, and others, say that this is sufficient for absolution. And the reason seems to be that, from the knowledge of the penance, the confessor can form a judgment about the state of the penitent.

Doubt 3: What if the confessor does not remember the state of the penitent, nor the penance that was assigned, but only that he imposed a penance? In this case, Suarez and Saint Antoninus, Sylvester, and Palearius, in Croix, number 1246, say that it is sufficient if he remembers that he imposed a penance. But I do not agree with this, because the priest, when pronouncing judgment, must form a judgment, at least, about the state of the penitent's conscience. In the case where the confessor had not imposed a penance, nor does he now have any knowledge, even in a general way, of the state of the penitent, it is not permissible to grant absolution, as Lugo, number 642, Croix, number 1218, and Layman, with others mentioned above, correctly state, because he would not be able to impose a suitable penance. However, if he were to grant absolution then, after a general confession has been made, he would validly absolve, as Layman, chapter 9, number 6, at the end, and Croix, in the same place, with Aversa, Ilsung, and Diana, 503, state.

"Response 3. A rare defect exists on the part of the confessor if the penitent, without fault, does not know him; because in the subsequent confession, he will also be absolved from those sins from which he believed himself to have been absolved in good faith. Therefore, I answer: He who, from childhood, omitted some grave sin, e.g., impurity, without fault, either because he thought it was light, or none at all, is not therefore bound to repeat other sins (or intermediate confessions), but only this, as Bonaventure, Sanchez, volume 1, book 1, chapter 16, Vasquez, in the first part, title 4, question 92, Sanchez, Layman, in this chapter 9, state, adding that if a simple rustic, who throughout his life has made only general confessions, having confessed nothing in particular, and has not been otherwise instructed, although he is validly absolved, he should submit everything to the keys, so that he may be better known; but if he comes when there is a large number of penitents, it will not be possible to arrange it in this way."

[*Latin ed. p. 340*]

He may be able to repeat everything, and he may be absolved, after hearing the sins confessed since the last confession, with the obligation that he do better. Thus, Layman, *loc. cit.*, chap. 9, no. 4. See Daniel, p. 3, vol. 4,

no. 108, where he adds from Navar, Sylv., Becan, Vasquez, Reg., vol. 1, book 6, chap. 5, sect. 3, no. 453, and John Sancio; that even if, through a mortal error, a sin is committed, for example, if one omits the species or another necessary circumstance, it does not follow that one is obliged to repeat intermediate confessions made in good faith and legitimately (in which that defect was not confessed due to natural forgetfulness), provided that they were valid and remain valid. The opinion stated above by Busembach, namely that the confession can be shortened because of the abundance of penitents (although Layman, *loc. cit.*, does not absolutely hold this), is rejected by Innocent XI in proposition 59, which states: "Although it is permissible to sacramentally absolve only those who have confessed partially, due to the great number of penitents, as may happen on some great feast day or indulgence."

Regarding confessions of peasants, John Tamburrini, *Methodus Confessionis*, book 3, chap. 2, no. 9, with Hurtado, states that peasants and children who have confessed in good faith, omitting to explain the species and number of their sins, are not obliged to repeat their confessions; but this is entirely improbable, because, although such peasants are not obliged to repeat their past confessions entirely, since those confessions were sufficiently valid, as commonly and deservedly stated by Paleari, p. 12, no. 3, and Salmeron, *de Paenitentia*, chap. 9, p. 4, no. 26, with Suarez, Sylv., Soto, Lugo, Council of Trent, Adrian, Bona, Gabriel, Hurtado, Fillon, Villalobos, etc. (whatever Vasquez, Turr, etc., may say there, no. 25), because all that is essentially required has already been present in such confessions; for a formal confession is of the essence, not a material one; nevertheless, they are obliged to explain the omitted species and number, so that at least they may make the present confession complete: thus Lugo, *loc. cit.*, no. 77; Bonacini, question 5, sect. 2, p. 3, no. 6; and Salmeron, *loc. cit.*, p. 3, no. 13, and chap. 12, p. 4, no. 49, with Sylvestri, Navar, Vasquez, Reg., and others, throughout. II. P. Segneri (*Instructiones Confessariorum*, chap. 1) cites Perez and Lugo, book 16, no. 585 (but he does not cite him correctly, as we will see later), stating that if a peasant has said his sins in past confessions only in a crude and confused manner, the confessor should not obligate him to repeat the confessions, because those sins have already been directly absolved. But this also is not pleasing, because, although those confessions were valid because of their formal integrity, and the sins were directly absolved, nevertheless they were deficient in material integrity, which must always be supplied. And Lugo, *loc. cit.*, says that it is difficult to answer this difficulty, but he only states that, because of external probability, one might follow a contrary opinion, using the judgment of those Doctors who say that it is not...

[*Latin ed. p. 341*]

The obligation to reiterate a sin previously confessed as doubtful, if after-

wards it is known to be certain. But this opinion has already been rejected in common [teaching] number 478. The theologians of Salamanca, in *De Poenitentia*, chapter 9, page 3, number 43, with Henry Fagnan, Dian, and the Dicastery, state that laypersons who, without fault, omitted to explain certain sins, are not required to repeat their confessions, provided that they have maintained a consistent manner of life in previous years, so that from the confession of one year, the confessor can infer the state of affairs in other years. This assertion, stated so generally, is not satisfactory; for I believe that this can only be admitted when, at the beginning of the confession, the penitent has declared to the confessor that he has always confessed his sins poorly, omitting the number [of sins], and the confessor, from the beginning, accepting the confession of that year, forms a judgment simultaneously about the previous years. Otherwise, it must be said that if the confessor, after accepting the confession of that year, learns that the penitent omitted to explain certain sins in previous years, then, if from the present confession he has distinct knowledge of the sins, he can indeed form a distinct judgment about the previous years (and therefore the prior confessions need not be repeated); but if from the present confession he has only a confused knowledge of the sins confessed, as often happens in longer and more complex confessions, then, in this case (as Lugo rightly says, *d. 16, n. 640*), he is obliged to obtain distinct knowledge of the species [of sins] and the number omitted in previous confessions, and that confused knowledge is not sufficient to absolve the penitent regarding the state of affairs in previous years, since, on the one hand, the penitent is sometimes obliged to confess his sins individually, which he has never done; and, on the other hand, the confessor is sometimes obliged to form a distinct judgment about the sins.

505. Furthermore, it must be carefully noted that penitents should not be compelled to repeat their confessions unless it is morally certain that they were invalid, as rightly stated by Croix, *loc. cit.*, page 2, number 1221; Gobat, *tr. 7, n. 275*; Holzmüller, page 179, number 683; see *Resp. Mazzotta, t. 3, p. 362*, and Elbel, page 284, number 273, with Fill., and the common [teaching] (contrary to Antoine, page 514, question 42, who holds a not insignificant place among the stricter authors of our time). The reason is that the value of past confessions is determined as long as there is no proof of their invalidity. Dices: When a precept exists, and there is doubt about its fulfillment, the obligation of the precept remains; therefore, in doubt about the validity of past confessions, the obligation to repeat them remains. But it is answered that the aforementioned rule applies only when a precept exists, and there is doubt whether the act of fulfillment has been performed or not; but when such an act has already been performed in good faith, and afterwards there is doubt about whether it was valid or invalid, then it must be considered valid; for then another principle applies, namely that in doubt, one must stand by the value of the act, as commonly

taught by the Doctors, with Laymann, *l. 1, c. 5, n. 32*, from the Glossa in *l. In contrahenda*, and Croix, *t. 4, n.*

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94. Sporer, *Tractatus*, 4th book, chapter 7, paragraph 78. Mazzotta, volume 4, paragraph 74, who asserts a common principle, and Navar, *Manual*, chapter 26, paragraph 287, where he says: "A presumption in favor of the validity of actions carries more weight." And concerning the obligation of repeatedly hearing the confessions of those who relapse, regarding whose validity doubts often arise, this rule is best expressed by Habert, volume 6, page 465, who says: "If the penitent, some time after confession, has produced worthy fruits of penance, that is, if he has strenuously fought against temptations and occasions of sin, the confessor will judge that the confession was valid. Otherwise, if he has relapsed shortly after confession, or given the first opportunity. Then, I add, it is truly and morally certain that the confessions were invalid, for he who truly sorrows and proposes amendment in confession, abstains from sin at least for a time, and makes at least some effort before relapsing; therefore, he who, after his confessions, falls very quickly and without any resistance, should certainly be considered to have had no, or a very slight, sorrow or intention." Otherwise, it should be said differently, if he perseveres for some time, or if, before falling, he offers at least some resistance (1).

DOUBT IV. ON SATISFACTION.

ARTICLE I. Its necessity, and its quantity.

508 How is satisfaction necessary? And is the omission of satisfaction in venial sins a venial offense?

507 In what cases can a light penance be imposed? And can it be lessened because of this? Whatever good you do, etc.

508 When is it licit to impose a lesser penance than is just? How much should it be?

Trident [Council of] Trent?

509 Is a prudent fear, so that the penitent may fulfill it, a just reason for lessening the penance?

510 Authorities concerning this point?

510 Can penance be prescribed for entrance into religion, or for the acceptance of the state of marriage?

512 Can, or should, a public penance be imposed, and when?

513 Doubt 1. Can an alms debt be prescribed?

Doubt 2. Can a penance be prescribed shortly before [death]?

(1) "And concerning the obligation of repeating past confessions, Father Segneri rightly says that such an obligation does not exist, unless there is

moral certainty of the invalidity of past confessions, as when it is observed that someone, after confessions, immediately after two or three days, falls again into the same sins, without any resistance, and because he does not make any effort, and because he does not remove the occasion." *Homo Apostolicus*, translation, 10th section, paragraph 36, edition.

[*Latin ed. p. 343*]

344 Can an internal penance be imposed? And can penance be imposed for the dead? Can one be excused from a good work? Can penance be imposed after absolution? 515 Under what obligation is the penitent bound to accept and fulfill the penance? 518 Doubt 1. Is the penitent bound, under a grave obligation, to accept and fulfill a severe penance? What if it is more severe than a flogging? 517 Doubt 2. What if it is imposed for confessed venial or mortal sins? 518 Doubt 3. Can the confessor, for grave sins, give a severe penance under a light obligation? 519 Doubt 4. During the time of the Jubilee or plenary indulgence, can the confessor omit the imposition of penance? 520 Doubt 5. If the penitent has forgotten the penance, is he bound to repeat the confession in order to receive it again? 521 The penitent fulfilling penance in a state of mortal sin. What delay is mortal in fulfilling the penance? 622 Doubt 1. Can a person in a state of mortal sin satisfy the penance? 523 Doubt 2. Does the person sinning satisfy the penance while in a state of mortal sin? 524 Can penance be imposed under the condition that, if he relapses? 525 After the prescribed time has passed, does the obligation to fulfill the penance cease? 526 Can penance be fulfilled by another? 527 Must penance be fulfilled before Communion? 528 Who and how can change the penance? 529 Doubt 1. Is the penitent bound in that case to repeat the confession? Doubt 3. What if the penance was imposed for reserved sins? Doubt 3. Can the confessor change the penance outside of confession? 530 The principal canons regarding penance are noted. 506. — R ESP. 4. Satisfaction, or penance, given by the confessor, is necessary by the necessity of a precept, not of the sacrament; therefore, it must be regularly imposed by the confessor, according to Suarez, and Reg. t. 4. l. 7. n. 47, under mortal sin; however, Cardinal de Lugo concedes that, due to the smallness of the matter, one can sin venially, as can be seen in d. 25. n. 47. v. g. if a light penance were to be assigned for venial sins; its voluntary omission would be only venial; and (And it is likely that Salamanca, c. 10. p. 2. n. 49. with Dic. etc.) so also Dian. p. 6. t. 6. res. 44. Indeed, it should be proportionate to both the sins and the ability of the penitent. The first reason is because it is a part of the sacrament that is not essential, but only integral, having an effect from the work performed, and a greater force of the sacrament than without it. The second reason is both from the Tridentine Council, session 14, canon 8, and because the priest is bound to care for the integrity of the sacrament, and to both vindicate and heal. Bonac. t. 4. d. 5. q. 5. §. 3. p. 2. Therefore, it is resolved: 507. — "4. The confessor

is sometimes excused if he assigns the lightest (or even no) penance, v. g. I. If he notices that the penitent is vehemently contrite, or otherwise has satisfied. Caf. Nav. Suar. Reg. Bon. de pæn. d. 5. q. 5. sect. 3. p. 2. n. 4. and 2. Esc. cap. 6. n. 41. But truly, it can rarely, or never, be sufficiently certain, Tom. IV.

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Tullius states (Indeed, it is necessary, according to St. Thomas, from *Summa Theologica*, II-II, Q. 148, Art. 10, as well as Palearius and Concinius), "that some penance must always be imposed; as rightly noted by Cardinal de Lugo, *De Poenitentia*, section 23, paragraph 4, number 48."

II. If the penitent is of unsound mind, or otherwise unable, or near death, or very weak, then, prudently, a lighter penance should be imposed, for example, a striking of the breast, invocation of the name of Jesus (at least in the heart), or other pious acts, or that he should arrange for sacrifices, alms, and similar pious works to be performed through his heirs, as Suarez, Layman, and Bonaventure state in their works, and Navar also adds that it can be imposed that he patiently endure his infirmity; although Bonaventure does not approve of this, because it can greatly distress the sick person, fearing that he will not properly make amends. (Note here that in the Roman Ritual, it is not to be imposed on the sick a heavy penance, but only that which, if they recover, they may perform at an opportune time. And the same is said in the Council of Trent, *Decree on Reforms*, Canon 13, concerning the sick. However, St. Thomas, in the same place, number 21, and the Dicasterium, Decree 14, doubt 2, number 14, state that if the sick person can make amends through alms, then they should be imposed by the confessor.)

III. When the scrupulous person frequently returns within the same hour with new sins, because it is presumed that sufficient penance has been imposed in the preceding confession. (Tanner, *De Poenitentia*, book 4, chapter 1, from Pagund, 2).

Even if the confessor sins by imposing a very light penance for grave sins, Diana (in *Tractatus de Poenitentia*, book 4, treatise 92, page 3) believes that he can be excused if he adds the words: "Whatever good you do, etc." However, this rule cannot be universally accepted, as rightly noted by Cardinal de Lugo, Tanner, Concinius, Palause, and others, against whom Diana cites Baun and Leander (in *Opera Omnia*, book 7, treatise 3, page 6, and book 9, resolution 54), and which is rightly rejected by others, because the words, being purely supplicatory, do not have the power to elevate all good works to sacramental efficacy. (Aversa, *Quaestiones Disputatae*, question 13, section 7).

Whether the words: "Whatever good you do, etc.," elevate all the good works of the penitent to the effect of sacramental satisfaction, even if they

are not imposed? Viva (in *Cursus Theologicus*, question 6, answer 1, number 3) denies this, because the power of the keys elevates the works of the penitent only when he binds; therefore, since those words do not obligate in any particular way, they do not bind, and consequently, the works cannot be elevated. However, it is more probable and commonly held, according to St. Thomas (in *Summa Theologica*, II-II, Q. 148, Art. 10), as affirmed by Novaes, Fillon, St. Thomas, Suarez, and others (in *De Poenitentia*, chapter 10, page 3, number 38; Eleazar, *De Poenitentia*, book 2, number 248; Sporer, number 559; Holzmüller, number 610), along with Regius and Strozzi, and Viva himself calls it probable (in the same place). The reason is that the Church has prescribed these words, not idly, but in order that all the good works of the penitent, even though they are done of his own choice, may be elevated to the merit of sacramental satisfaction. All of this is taught by St. Thomas (in *Summa Theologica*, II-II, Q. 148, Art. 10), who says: "And those things which the penitent does, after he has received the express injunction, receive greater force for the expiation of past guilt, from that general injunction, because the priest says: 'Whatever good you do, etc.'"

[*Latin ed. p. 345*]

Then, this satisfaction is sacramental to the extent that, by the power of the sacraments, it expiates the guilt of the sin committed. 508.— "3. A lesser penance may be lawfully assigned for the following reasons: such as, for example: I. Great contrition. (For, unless there is penance, it is not suitable for healing.) II. Weakness of mind, or body, because of which a greater penance cannot be fulfilled. III. The time of the Jubilee, or of a plenary indulgence. Thus Suarez, Henriq. Laym. It is certain that the confessor is to be considered both as a judge and as a physician, imposing upon penitents a satisfaction that is, in itself, proportionate to their sins; for it is the duty of a judge to assign punishments commensurate with the crimes, and it is the duty of a physician to prescribe remedies suitable both for curing the diseases contracted and for preventing them in the future: thus, from the Council of Trent, Session 4, Chapter 8, where it is said: "Therefore, the priests of the Lord ought, as far as the spirit and prudence suggest, to impose salutary and suitable satisfactions, according to the nature of the crimes and the ability of the penitents; otherwise, if they should connive at sins, and deal with indulgences in a way that is too lenient, they will become partakers in the sins of others, by imposing very light penances for very grave offenses." They must have before their eyes that the satisfaction which they impose should be a safeguard for the preservation of a new life..., but also for the vindication and chastisement of past sins. Therefore, the penitent is bound, both for the sake of completing the sacrament, and for the sake of satisfying divine justice by making reparation for the injury done, to offer to God the penance imposed. Hence, the Roman Catechism,

page 2, chapter 5, paragraph 79, rightly observes: "That the penitents may more clearly recognize the wickedness of their sins, it will be useful to indicate to them from time to time the penances that have been established for certain sins by the prescriptions of the ancient canons (which are called penitential)." 509.— We have said, in itself; for, by accident, the confessor may lessen the penances for just reasons, as described above by Busemb., and also (as is commonly taught by Doctors) because of the weakness of mind with which the penitent is afflicted, and for which reason he is considered unable to fulfill a proportionate satisfaction. Thus, St. Thomas, Supplement, question 18, article 4 (whose words will be quoted below), Suarez, part 38, section 4, with the common opinion, Navarre, chapter 16, paragraph 21, Ancl., page 634, paragraph 25, Tol., book 3, chapter 44, paragraph 8, Abelly, page 160, verse 5, Etbet, number 428, Laym., chapter 45, paragraph 42, Pal., page 20, paragraph 40, Salm., on penance, chapter 40, page 3, paragraph 46, and others, passim, even those of a stricter opinion, such as Habert, on penance, chapter 40, section 7, Petrocor., chapter 2, question 2, and Natal. Alex., chapter 6, article 6, rule 5. The reason is that, although, according to the reason of divine justice, a satisfaction proportionate to the sins is required, nevertheless, divine clemency requires that account be taken of the powers of the penitents, both of body and of mind. Therefore, it is said in the Council of Trent: "Divine clemency ought to provide that no satisfaction be... "

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Moreover, sins are forgiven. Note that this is done without any satisfaction; therefore, God does not demand complete satisfaction, but only some, out of His clemency. And to this point, St. Thomas writes in *Quodlibet* 3, article 4: "If it happens that the priest imposes a milder satisfaction... nevertheless, the penitent is obligated to do something further; and if this is not completed in this life, it will be fulfilled in purgatory." Nor does it contradict what is prescribed in the Council of Trent, that penance must be assigned according to the nature of the crimes; for it is also said there, as mentioned above, that satisfactions should be imposed, as far as prudence suggests, according to the nature of the crimes, and in a way that is salutary and suitable for the penitent. Note "for the penitent's ability," that is, considering their weakness of body and mind; and note "salutary and suitable"; hence, the Author rightly says in *De Officiis Confessariorum*, book 4, question 50: "Satisfactions are not salutary, if they seem to be barely equal to the gravity of the penitents, so much so that they turn to their detriment." Thus, Abelly also explains on page 461, the word "salutary": "That is to say," he says, "useful for the salvation of the penitents; for the confessor must have only this in view, namely, to promote the salvation of the penitent." Antoine also says, although this author is rightly counted among the stricter writers of our time, on page 546, number 3: "Vindicative

satisfactions, in order to be salutary and suitable, must be proportionate, not only to the multitude and gravity of sins, but also to the ability and disposition of the penitent; for satisfactions that are too grave and prolonged are not salutary, if, considering the penitent's frailty, there is a danger that they will be neglected; for then they would become a cause of ruin for him." In this sacrament, more attention is given to the amendment and salvation of the penitent than to satisfaction for punishment. Therefore, if it is conducive to the spiritual good of the penitent, a lighter penance than he deserves can be imposed. Therefore, St. Antoninus, in book 3, title 16, chapter 24, says: "The confessor should give such a penance as he believes the penitent will actually fulfill, lest, by violating it, something worse happen to him." And the Parisian Ritual says: "The confessor should ask the penitent whether he can perform the penance assigned to him; otherwise, he should change it, or lessen it, according to his prudence." Thus, Antoine. Gonet also agrees in volume 6, page 463, collection 2, where he says: "For a reasonable reason, the confessor can sometimes impose a lighter penance, if the penitent is afflicted by a serious illness, or if there is a danger that he will be deterred from confession, or that he will not fulfill the penance assigned to him." Therefore, Gerson says in *Regula Moralis*, page 2, chapter on penance: "It is better to lead confessors to purgatory with a small penance, which is willingly undertaken and actually fulfilled, than to drive them to hell with a great penance that is not performed." And Cajetan, in the *Summa*, on "Satisfaction," says: "A satisfaction that is suitable for a weak disposition should be given, just as a small fire is kept warm."

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Lest the straw placed there be suffocated by the wood placed above it. Also, Scotus, d. 15, q. 4, art. 5, speaking of a penitent who is weak in spirit, says: "If he is so delicate that he does not wish to perform penance, or if he does not wish to accept any penance at all, he must be absolved, and not rejected, lest he fall into despair." And thus he concludes: "That which he is more willing to accept, and which he believes he will fulfill, should be imposed upon him." This is confirmed in the Roman Ritual of the Sacraments of Penance, where it is said: "Finally, the confessor should enjoin a salutary and suitable satisfaction, as far as the spirit and prudence suggest, taking into account the state, condition, sect, and age, and also the disposition of the penitents." Note: Regarding the disposition. St. Charles Borromeo, in the Instruction for Confessors, p. 346, n. 14, prescribed thus: "The confessor, according to charity and prudence, should lessen the canonical penances, as the circumstances of the sins require, taking into account the contrition of the sinner..." And it should not be thought that their sins are light because a small penance is given to them, but rather that this is done so that they do not abandon the penance that is due to the reason

of their guilt, with danger to their salvation. Therefore, penitents should be encouraged to strive to do more than what is imposed upon them, just as a diligent worker strives to do more. The same Archbishop adds: "He should impose a penance that he judges the penitent to be able to perform." Therefore, if it seems expedient, he should ask the person whether he can, or whether he doubts, fulfill the penance enjoined upon him; otherwise, he should change it, or lessen it. St. John Chrysostom, Hom. 43, on Matthew 28, says: "Even if we impose a small penance, is it not better to give an account for it out of mercy, than out of cruelty?" Also, in Hom. 44, he says: "Just as, if you place a bundle on the shoulders of a young man who cannot carry it, it is necessary either that he lay down the bundle, or that, under its weight, he be strengthened: so too, for a man to whom you impose a heavy burden of penance, it is necessary either that he reject his penance, or that, while suffering, he sin more out of scandal." This is confirmed by St. Thomas, who writes (whose rule the Council says, p. 395, n. 12, should be observed in imposing penances), Suppl. q. 48, ar. 4, saying: "Satisfactory penances determined by canon law do not apply to all."

[*Latin ed. p. 348*]

"...but these [penitentials] must be varied according to the judgment of the priest. Just as a physician sometimes prudently does not prescribe a medicine that is so powerful that it would be sufficient to cure the disease, lest, due to the weakness of the patient's constitution, a greater danger arise; so too, moved by divine inspiration, the priest does not always impose the entire penance that is due for a particular sin, lest the sick person despair because of the magnitude of the penance, and completely abandon repentance. And it is clear from the context of the same article that the Saintly Doctor is speaking not only of the weakness of the body, but also of the soul of the penitent; and this is further clarified in *Quodlibet* 3, question 28, where he says: 'It seems quite fitting that the priest should not burden the penitent with a heavy burden of satisfaction, because, just as a small fire is easily extinguished by many logs placed beneath it, so it could happen that a small spark of contrition recently kindled in the penitent might be extinguished by a heavy burden of satisfaction, leading the sinner to utter despair; therefore, it is better that the priest should indicate to the penitent the amount of penance that would be required for his sins, and should impose upon him something that the penitent can reasonably bear: through the fulfillment of this, he will become accustomed to fulfilling greater things, which the priest himself might not have dared to impose.' And those things which are done beyond the express command are taken to have greater expiatory power for past guilt, from that general command that the priest says: 'Whatever good you do shall be for the remission of your sins.' And in the same *Angelicae Opusc.* 65, § 4, after saying: 'The priest should not impose a penance that is too heavy, lest the penitent

abandon it altogether... nor one that is too light, lest he despise the sin,' he adds: 'However, it is safer to impose a lesser penance than a greater one, because we are better excused before God for great mercy than for extreme severity, since such a fault will be made up for in purgatory.' St. Antoninus also strongly suggests this in *Summa Theologica*, part 3, title 16, chapter 20, at the beginning, where he says: 'There is a quite reasonable reason for not giving such penances to the unprepared, even because sometimes there would not be enough time in life; for (as Raymond and Hostiensis say), the confessor should give such a penance as he believes the penitent will actually fulfill, lest, by violating it, something worse might happen.' If, therefore, he has committed great sins, and says that he is repentant, but cannot perform any harsh penance, the confessor should encourage him in this, showing him the gravity of his sins, and consequently the punishments, and thus finally impose upon him a penance that he will gladly accept. And if the priest cannot rejoice in all the purification of his soul, let him at least rejoice that he has been transferred from hell to purgatory. Therefore, (as Hostiensis says), the confessor should in no way allow a despairing sinner to depart from him, but rather should impose upon him one "Our Father" or some other light penance, and that all the other good things he has done, and all the things he has endured, shall be for his penance, in agreement with St. Thomas. However, understand this..."

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Indeed, because if someone is truly contrite, and says they are prepared to do what is necessary, but claims they cannot bear the burden of penance, then because of this they have already committed a fault and are in danger of losing grace; they should not be dismissed without absolution, lest they despair. Thus far, St. Antoninus. From this, it follows that the confessor should not allow a penitent to depart without absolution, even if they are unwilling to accept the prescribed penance, but rather should impose a satisfaction that the penitent will readily accept and truthfully fulfill. Hence, it is likely said in the *Summa de Poenitentia*, chapter 10, paragraph 3, number 46, in Croÿ, number 4255, and in Lugo, book 1, chapter on St. Antoninus, as mentioned above, that this is also a sufficiently just reason for lessening the penance, so that the penitent may be more strongly affected with love for this sacrament. Similarly, the author writes in Petrocchi, volume 4, page 434, question 3, at the end: "It is most important to ensure that penitents can fulfill the necessary penances without great inconvenience and without shame; for daily experience teaches us that burdensome and excessive satisfactions break the spirits of the penitents and deter them from fulfilling them." And Cardinal de Lugo, book 25, number 60, says: "Penance should be salutary and convenient; that is to say, first and foremost, attention must be paid to the benefit of the penitent, so that snares are not laid for them, leading them to commit new sins; this is especially true today, when

light penances are imposed for very grave sins; this is done because of the spiritual weakness of the penitents, who would be scandalized by heavier penances, and would either avoid confession altogether, or certainly seek out inexperienced confessors." However, the penitents must be warned about the insufficiency of the assigned satisfaction. Therefore, St. Thomas of Villanova wisely advises (Sermon for the Sixth Sunday after Easter): "Judge this in this way, if you are commanded to do an easy thing, consider whether a more difficult one would be better." The best practice. From all of this, it is clear how imprudently some confessors behave, who impose great penances that they foresee the penitents will not fulfill. Oh, how many confessors are found to be misguided (I speak from experience gained in missions, in which I have spent almost thirty years), who do not hesitate to absolve those who are either in imminent danger of sinning, or are relapsed and unwilling to change, and who foolishly think that they are helping them by imposing heavy penances upon them; and so it happens that, even if they accept the penance in order to receive absolution, after obtaining absolution, because no remedy is prescribed to them to preserve them, they soon relapse into sin, and, deterred by the severity of the penance, they then avoid confession, and thus remain longer in sin. Furthermore, it should be noted that, (except in the case of very grave infirmity, or very intense contrition, as mentioned above in number 607), the confessor would not act properly if, for mortal sins, he prescribed a penance that is light in itself, which would imply a light obligation. For, if it is expedient, a task may be imposed that is, in itself, respectively...

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For sins that are minor, it is nevertheless generally required to impose some form of penance that is sufficiently grave to create a significant obligation. 514. — "4. Entrance into a religious order cannot be imposed as penance," as taught by St. Augustine, v. Satisfaction, because it seems too harsh. 2. Public penance," if there is a danger of revealing the confession, otherwise it can sometimes be imposed for a public sin, and it is beneficial." Regarding the first point, it is commonly held by Doctors of the Church that entrance into a religious order cannot be imposed as penance. Thus, Layman, chapter 45, paragraph 41, and Escobar, book 47, paragraph 466, citing St. Augustine, Sylvaster, and Henry of the Dominican Order, from *Summa Theologica* 2-2, question 62, article 2. Whether it is permissible to impose upon someone the reception of the sacrament of matrimony. Leander affirms this in book 9, question 35, in cases where the confessor knows that marriage is a necessary remedy for that person. However, Layman and Escobar, in the aforementioned places, and Fagundes, rightly object to this, because marriage requires complete freedom in all respects. 512. — Regarding the second point, it is certain that public penance cannot be imposed for a hidden sin, as commonly stated by Palause, page 21, section

2, paragraph 5; Croix, paragraph 4265; Elbel, paragraph 236; and others throughout. For, as taught by St. Thomas, Navar, Suarez, Vasquez, etc., as cited by Elbel, such an act would indirectly reveal the seal of confession; and this is expressly prohibited by the Roman Ritual, which states: "For hidden sins, even if they are very grave, a public penance should not be imposed. For a public sin, however, there is doubt as to whether public penance can be imposed. Navar, St. Augustine, Regius, and Vega, as cited by Palause, in the aforementioned place, section 3, paragraph 5, deny this, because it would be a manifestation of the confession and a violation of the seal. However, Palause, Suarez, Bonaventure, Croix, Roncaglia, Antoine, Salm, Holzmüller, Elbel, and Escobar, in the aforementioned places, with Vasquez and Henry, commonly affirm that it can be done. And this was expressly taught by St. Thomas in the *Summa Theologica*, part 4, question 14, article 1, argument 5, where he stated that a public sin must have a public remedy. This is proven by 1. the chapter "Manifesta" in the book on penance and remission, which states: "Manifest sins are not to be purged by a hidden correction." And 2. by the Council of Trent, session 24, canon 8, which states: "To this [public sinner] a suitable penance, proportionate to the manner of the sin, must be publicly imposed." And in this place, the Council also refers to the sacramental forum, as understood by many of the aforementioned authors, in contrast to Navar, who understands it, albeit with some foundation, as pertaining to the external forum. It does not contradict to say that such a public penance would be a manifestation of the confession; for, when it is imposed with the necessary consent of the penitent, if he wishes to be absolved, that manifestation rather proceeds from the free action of the penitent than from the command of the confessor. Therefore, Palause, Salm, Roncaglia, and Escobar, in the aforementioned places, citing St. Thomas, as above, state that the confessor can not only impose, but sometimes must impose this public penance. However, Roncaglia, in chapter 1, Regius, in practice 6, and Salm, in *De Paenitentia*, chapter 10, page 3, paragraph 39, at the end, rightly caution against this.

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Moreover, and in Aversa, it is held that public penance is only required in the case where, otherwise, the scandal cannot be repaired except through it, such as by publicly restoring honor to someone who has been publicly dishonored. Furthermore, if public penance is not so necessary, the aforementioned authors rightly state that the confessor should not impose it upon someone who is reluctant, if the penitent can otherwise obtain salvation and repair the scandal, for example, through frequenting the sacraments publicly, visiting churches, attending Mass, joining a congregation where works of piety are performed, and the like. Hence, Fagnanus, in chapter "Manifesta," reports that the Sacred Congregation did not wish to declare whether public penances should be imposed in the sacramental forum for

public sins.

513. — "5. Although it may be possible, and sometimes, due to the weakness of the penitent," to enjoin a duty or precept that is otherwise due, such as attending Mass on a feast day, etc., as taught by Suarez, Vasquez, Laym in book 5, treatise 6, chapter 45, and others. (Therefore, if someone frequently returns to the confessor, confessing new sins within a short time, it is not always necessary to impose a new penance, but rather to enjoin a duty that is otherwise due. Bonaventure, Henry Cardinal of Lugo, "Dianae," page 6, volume 7, response 6, against Suarez, Reginald, and Baun.) However, if the confessor does not explicitly express it, it is considered that he has commanded a free work, as the same authors teach, in "Dianae," page 3, treatise 4, response 84. See "Consuetudines," question 8, number 40, and "Dianae," page 4, volume 4, response 241.

Therefore, the question arises: 1. Can a duty that is otherwise due be imposed as penance? Paludanus, Scotus, Capreolus, etc., deny this, as cited in Renzi, chapter 2, section 3, question 5, and Antoine agrees, page 547, question 3, where he says that it is always necessary to impose some supererogatory work; because the penitent must perform a work that is commanded from elsewhere, even if he does not confess it. But Lugo, Sanchinez, Suarez, Bonaventure, Anacleto, Holzmüller, Laym, Elbing, Escobar, Sporer, "Dianae," page 3, volume 4, response 83, along with Vasquez, Turrian, Duartes, Villalobos, etc., commonly and rightly affirm this, as do Paludan, page 21, section 1, number 40, along with Navarret, Soto, Henry, Ronquillo, chapter 1, question 6, response 2, along with "Consuetudines" and Candido, and Salmeron, "De Paenitentia," chapter 10, page 3, number 28, along with Aversa, Victor, etc. The reason is that if that work is already commanded, and is satisfying, it can well be elevated through the keys to the merit of sacramental satisfaction; thus, just as someone who attends Mass on a feast day, even if it is done by vow, has a double merit; so too, someone who fulfills a work that is otherwise commanded, fulfills it as part of their penance. However, Suarez, Laym, and Sporer, in the aforementioned places, rightly caution that this should not be done unless it is due to the weakness of the penitent. Commonly, the Doctors say that unless the confessor explicitly imposes a work that is otherwise commanded, it is understood that a supererogatory work has been imposed. See Paludan, in the aforementioned place, who cites Sanchinez and Bonaventure. If, however, the confessor imposes attending Mass for a month, it is...

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The obligation to hear two Masses on a feast day is commonly taught by Con. d. 10, dub. 8; Laym. n. 9; Sanch. n. 6; Pal. t. 4, tr. 3, d. 19, p. 4, n. 4; Croix n. 1421; Elbel n. 235; Spor. n. 564; and Salm. ibid. n. 30, with Bon. Mercero and Diana. It is questioned: If a penitent, immediately after absolution, confesses another sin, is it sufficient to impose the same penance upon him?

Bonac. q. 5, p. 2, n. 3, and Croix n. 1429, affirm this, for the same reason as stated above. However, Palaus p. 21, §. 2, n. 10, and Roncaglia c. 1, qu. 6, r. 2, with Candido, rightly object, because, although another prescribed work can properly be assigned as penance, as stated above, that prescribed work is not, by the same title, a sacramental act of satisfaction.

Even if an internal act can be prescribed, as some, contrary to Hurt. and Diana, p. 4, t. 4, resp. 24, commonly teach, it must be external and afflictive, e.g., prayer, fasting, or almsgiving. For almsgiving is suitable for the avaricious, and bodily mortification for the luxurious. Whether it is permissible to impose prayers for the dead is doubtful. Vega t. 2, c. 64, and Joan. Sancius d. 46, n. 1, deny this; Turr. de pœnit. d. 37, dub. 4, and Card. de Lugo d. 25, sect. 5, argue in favor of it. See Diana, t. 4, p. 3, res. 54. It should be noted that both prayer and almsgiving, and any other good work prescribed in the sacrament of penance, serve as a penal and afflictive work, as commonly taught by the Doctors, because, with respect to us in our fallen state, any virtuous action has the nature of a penalty, because, having lost original justice, we are all inclined to earthly and self-serving things. Thus, Valent. t. 4, d. 7, q. 14, punct. 3; Castrop. d. un. p. 21, §. 3, n. 4; Laym. tr. 6, de Sacr. pœnit. c. 15, n. 9; Pitig. 2, p. dist. 15, q. 1, art. 3, concl. 4; and Salm. de pœn. c. 10, p. 3, n. 26, with others and Busemb., as above. The learned author of the book entitled: *Istruz. per Ii nov. Confess. part. 1. cap. 16. n. 373*, wrote recently: "But let us not consider the penance, whatever it may be, that is imposed in the Sacrament, as useless, because it is certain that even a simple sign of the cross, joined with this Sacrament, is effective for satisfaction; all the more so because in the present state of fallen nature, every good work is in some way afflictive and penal." (1)

(1) That is to say: Here it must be noted that the sacramental penance, whatever it may be, should not be considered useless or deemed so, since it is certain that even a simple sign of the cross, joined with this Sacrament, is effective for satisfaction, all the more so because in the present state of fallen nature, every good work is in some way afflictive and penal... (confirmed by St. Francis de Sales). Here, penance is inflicted by fasting; there, by serving the sick, hearing confessions, preaching, assisting the afflicted, or by dedicating oneself to prayer and other similar exercises. This penance (of prayer, etc.) is greater than that (of fasting), not only because it subdues the body, but also because it brings about far more desirable results.

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This is affirmed by St. Francis de Sales in his *Philothea*, chapter 23, page 204, where he states: "One involves penance and mortification, the other, service to the sick, confession, preaching, assisting the afflicted, or prayer, and similar exercises; this penance (that is, prayer, etc.) is of greater value than the other (that is, fasting); because, besides equally subduing the body, it produces much more desirable fruits. This is especially confirmed

by St. Thomas, who says: 'Every prayer has the reason of satisfaction, because although it has the imperfection of the spirit, it nevertheless has the affliction of the flesh' (as Gregory says in his homily 14 on Ezechiel). 'As inner love grows within us, the strength of bodily desires is undoubtedly weakened' (St. Thomas, Supplement, Question 15, Article 3, ad 4).

It is doubted here 4. Whether an imposed work can interrupt [another work]. St. Charles Borromeo (d. 16, n. 1) and Alens and Almain (in Suarez, d. 38, section 6, n. 2) deny this, because penance, being a part of the sacrament, must be sensible. But Lugo (d. 25, n. 67), Pontius (de Matrim., l. 4, cap. 7, n. 4), Layman (cap. 15, quote 4), Bona, (p. 2, n. 40), Escobar (n. 148), Sporer (n. 663), and Salmeron (de penit., c. 10, p. 3, n. 27), with the Council of Regensburg, Hurtado, etc., commonly affirm this. The reason is that such a work is already meritorious in itself, and it becomes sensible through the imposition of the priest and the acceptance of the penitent, just as contrition becomes sensible through confession; and thus, the opposite argument is refuted.

It is doubted 2. Whether an imposed work can be applied for the dead? Sancius (d. 46, n. 4) and Vega (cap. 64, vas. 4) deny this, because in that case, the work would not benefit the penitent in satisfying for himself, as is required. But it is commonly affirmed, and more probably by Paleari (p. 21, § 3, n. 3), Lugo (d. 25, n. 62), with Turreano (Anael., p. 635, n. 30), Sporer (n. 570), Elbel (n. 246), Holzmüller (n. 608), Salmeron (ibid., n. 37), with Aversa, Hurtado, Busem, etc., based on the Roman Catechism, which says: "Therefore, the reason of the fault will temper every mode of satisfaction." But it is generally fitting for penitents to be urged, on certain and definite days, to devote themselves to prayer, and especially to offer prayers to God for those who have departed this life to the Lord. The reason is that every alms is truly meritorious, and although the satisfaction of that work may then be applied to the dead, the satisfaction is nonetheless the honor of the will of the penitent, who applies the work, and it benefits himself.

7. It can also sometimes be enjoined to abstain from some good work (e.g., excessive bodily mortification), or even from Communion, in order to promote the greater good of the penitent, if the prudent confessor judges it expedient for that purpose. This is stated by Salas, Cardinal Lugo, Dian, etc., with Aversa (q. 18, section 3), against John Sancius.

It is doubted whether it can be imposed to abstain from some good work, namely, from Communion, fasting, etc.? Sancius (d. 33) denies this, because this is not a work of merit. But it is commonly and rightly affirmed with Busem and others.

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Lugo, dated 25th, paragraph 65. From *Spiritualis*, paragraph 573, with Suarez and Salmanticensis on Penance, chapter 40, page 3, paragraph 36, and with Molinos, Rodriguez, Gabrel, etc. The reason is that such a cessa-

tion can sometimes be a virtuous act, at least in order to maintain obedience to the confessor. Lugo rightly observes that it is not regularly proper to impose such a penance; indeed, it cannot be imposed when the omission of that work might give rise to others judging that what was enjoined in penance by the confessor was not truly necessary, according to what was said in paragraph 542, 8. Although it may be enjoined immediately after absolution (as is most commonly said by Salmanticensis, ibid., paragraph 42, and by Viva, question 6, article 1, at the end, with Diana, and by *Spiritualis*, paragraph 576, with common opinion), it ought to be done beforehand, "in order to preserve the order of judgment." See Diana, page 3, volume 4, response 436, and page 5, volume 4, response 36, where it is taught from the final chapter and from Ochino that, although custom may dictate otherwise, it does not impose an obligation. 545. — "Response 2. The penitent is commonly bound by a grave obligation to accept and fulfill penance, if it is reasonable, as is held by Cajetan, Sylvaticus, and Navarrus, whose opinion will at least serve to ensure that no one is dismissed without absolution, even if he wishes to perform only the lightest penance, as noted by Soto and Regius, book 7, chapter 2. Diana, page 3, volume 4, response 51, and page 2, volume 4, response 52." (Soto, however, does not agree with this, according to what I said in paragraph 540, at the end.) I said 1. Commonly: because it is probable that Laym, book 4, volume 6, division 15, Suarez, and Diana, page 3, volume 4, response 436, teach against Coninius, Henry, and others, that penance is only imposed under a venial obligation in the following cases: I. If it is imposed for venial sins only. Thus, the cited authors are opposed to Henry and Fagundes. II. If it is for mortal sins, but another penance has already been assigned. III. The omission of a part is not grave in confession of mortal sins; or even the omission of the whole, if it is slight, for example, one "Miserere." Coninius, with Diana, division 3, volume 4, response 102, and page 6, volume 8, response 45. (Palearius also says, page 21, section 4, number 11, and Lugo, dated 25th, paragraph 74, that omitting one "Miserere" is a slight matter. The Rosary of the Blessed Virgin, even if five decades, can hardly be called a slight penance.) "IV. If the confessor did not wish to impose a mortal penance; because, since he can freely and without any obligation impose penance, as proven by Suarez, here, division 38, section 7, Henry, Fillon, Fagundes, and Tann, *Conimbricensis* on the Sacraments, division 10, doubt 8, number 65, against Turreano and Vasquez, he can also impose it only under a venial obligation." (And thus, Father Segneri suggests in his *Parochus Instructus* and Croiw, book 6, page 2, number 1249, what should be done if the penitent does not accept the imposed penance.) "See Diana, page 3, volume 4, response 244, and page 4, volume 4, response 83. V. He who obtains a plenary indulgence is freed from the burden of penance (unless it is medicinal)," as taught by Diana, page 5, volume 12, response 3, and page 9, volume 6, response 36, and by Tann, *Granada*, *Conimbricensis*, and

Lugo, etc., against Valen, Marchiafava, and Aversio. (See this in paragraph 549.) I said 2. If it is reasonable: because if it is justly more severe and difficult,

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Nor does the confessor wish to moderate it; the penitent will gravely sin if, departing without absolution, he submits his sins to the judgment of another priest, as Suar. Con. Laym. teaches. Indeed, he is not obligated to do so if it is manifestly unjust, or if the penitent cannot fulfill it; or if he has forgotten it. Nor is he then bound to do anything else, even if it would be advantageous, that those who, whether culpably or innocently, have forgotten it, should request that a similar penance be assigned to them in the following confession. Thus, Conc. Laym. Dian. p. 4, t. 4, r. 241, against Richard and Sylv., who believe that such a confession should be repeated; which, in addition to the aforementioned, is also denied by Cardinal de Lugo, n. 78, from Vasquez, teaching that such a penance suffices, if he confesses that culpable act of forgetfulness. 546. — Here, several doubtful points arise that deserve discussion. It is doubted 4. whether the penitent is bound to accept a just penance imposed by the confessor? There are three opinions. The first denies it, as held by Cajetan, t. 1, Opusc. tr. 6, q. 2, ad 2, and considered probable by Sporer, n. 548, and Tamb., c. 2, n. 7, because he is not bound to accept it if he wishes to fulfill it in purgatory. The second opinion, held by Nav., cap. 26, n. 20, also by Scotus, Med. Gabr., ap. Lugo, d. 25, n. 68, and by Soto, Zerola, Vill., etc., ap. Renzi, c. 2, sect. 3, q. 12, says that he may not accept it, but if he does accept it, he is bound to fulfill it. The third opinion, which is common and true, held by Suar., d. 38, sect. 7, n. 2 (who calls the opposing views rash, Lugo, l. c.), where our opinion is called certain with Vasquez and Victor (who, after Trent, say that it is a matter of faith), Elbel, n. 227, and Salm., de pœnit., c. 10, p. 4, n. 52, with St. Thomas, Palud., and P. Soto, says that he sins who does not accept the penance, or who does not wish to fulfill it, and who desires to receive absolution. The reason is that, as taught by Benedict XIV in the Encyclical Letter *Inter præteritos*, just as the confessor is bound to impose a just penance, so the penitent is bound to accept it (4). However, it is probable that if the penance seems to the penitent to be unduly severe, or too burdensome with respect to his weakness, then if the confessor would not moderate it, he may, at least without grave sin, depart without absolution, and seek another confessor, as say with Busemb. and Coninch., supra, Suarez, d. 38, sect. 7, n. 4, Laym., c. 45, n. 6, Elbel, n. 228, Holzm., n. 601, and Spor., n. 550. However, this must be understood if that penance is truly unreasonable, or beyond the strength of the penitent; for if, on the contrary, the penance could easily be fulfilled by him, and he refuses to accept it out of mere laziness, and wishes to be absolved with little effort (1). And the penitent, when recalling the penance, which for grave sins must always be serious in

itself, cannot be absolved, according to Hom. Ap. tr. 16, n. 55. Otherwise, it should be said, if the penitent only considers the penance to be relatively severe, according to the number and the total magnitude of the sins. Edit.

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Moreover, it does not seem that one can be excused from a grave sin, because, as Lugo rightly states (n. 69), just as a priest would sin by imposing a light penance without just cause for grave sins, so too would a penitent sin by willingly receiving absolution without a just cause, with a penance that is too light.

547. — It is doubted: Does a penitent sin gravely if he omits to fulfill a grave penance, imposed for confessed venial or mortal sins? The common opinion is that if a light penance is prescribed, there is no obligation to fulfill it under pain of grave sin, even if it is entirely omitted. Pal. p. 21, § 4, n. 44. Lugo, d. 25, n. 74. Renzi, cap. 2, sect. 3, qu. 44. Suar., d. 38, sect. 7, n. 5. Croiae, n. 4278, with Aversa and others, passim. The reason is that a light matter is not the subject of a grave obligation. Nor does it matter that the sacrament remains incomplete, for it is already completed essentially; the integral completion, however, through a light matter, is only secondarily required, according to the matter itself. The doubt arises when the matter of the penance is grave.

The first, probable and more common opinion states that it is a grave sin to omit such a penance, as Lugo and Pal. ll. ce. Bon. qu. 5, sect. 3, p. 4, n. 4. Ronc., cap. 2, qu. 2, r. 2. Concina, p. 423, n. 44. Salm., de pænit., c. 40, p. 4, n. 62. orra, fn. Esc. Hb., 47, n. 206, with Henriq., Con. Fag., and Nægno. The reason is that the gravity or lightness of this obligation is not derived from the gravity of the cause, namely, the confessed sin, but from the matter prescribed, that is, the penance imposed.

The second, also probable, opinion denies that this obligation is grave, as Nav., cap. 21, n. 43. Suar., l. c. Laym., cap. 45, n. 7. Diana, p. 3, tract. 4, r. 436. Spor., n. 544, and Lugo, n. 76, Mazzotta, t. 3, p. 884. Tamb., cap. 2, n. 4, with Henr. and Croiae, n. 4279, with Soto, Palad., Fill., Led., and Aversa, believe. The reason is that the matter of the satisfaction imposed is not necessary in so far as it is grave; therefore, just as the confessor is not bound, and indeed cannot impose it under pain of grave sin, so neither is the penitent bound to fulfill it under pain of grave sin.

It cannot be said that the penance is to be measured in relation to the sin, but rather to the temporal punishment due for the sin; for it is answered: If this were the case, then for every venial sin, a grave penance should be imposed, and for every venial sin, a very grave punishment should be due.

I believe it should be said, with Roncaglia (to whom Laym., l. c., also agrees), that if, by chance, those venial sins strongly dispose the penitent to mortal sin, then the confessor may impose a grave penance upon him,

in order to remove him from the danger of sinning mortally; and then the penitent will be bound, if he wishes to be absolved, to accept and fulfill it.

Furthermore, I believe that if a penitent does not perform a suitable penance for confessed mortal sins, then if he again subjects himself to the same sins through the keys, it is fitting that the confessor—

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It is certainly permissible to impose a serious penance; and the penitent, if he accepts it, is bound to fulfill it. However, is the penitent bound to fulfill the circumstances imposed upon the penance under pain of mortal sin, namely, to recite the rosary with bent knees, with arms extended, and the like? Answer: There is no doubt that the omission of a circumstance will be at least venial; but whether it will be, or not, a mortal sin depends on the slight or serious annoyance that the circumstance causes, either in itself or with respect to the penitent, as indicated by the confessor imposing the penance; thus, commonly, Sanchez, Decrees, book 4, chapter 12, number 8; Lugo, book 25, number 93; Viva, question 6, article 2, number 4; Renzi, chapter 2, section 3, question 46; Tambyle, book 4, chapter 2, number 44; and Croize, number 1280, with the Dicastery of Aversa, etc., 548.

Question 3: Can the confessor impose a serious penance for grave sins, but under a light obligation? The first opinion denies this, as held by Renzi, chapter 2, section 3, question 14, and Bonacini, question 5, section 3, page 4, number 4, with Coninch and Nugno. The reason is that, although the legislator can impose a serious matter under a light obligation in serious matters, in this sacrament the confessor is not considered a legislator, but a simple minister, since he acts in the name of God, and therefore he cannot impose a matter that is serious in itself under a light obligation. The second, more common, opinion affirms this, as held by Busembach, as above, with Henrich and Fagius; Suaraz, book 38, section 7, number 5; Filliucca, treatise 8, number 54; P. Segneri, Instructions for Confessors, chapter 3; Tambyle, book 4, chapter 2, number 6; Dicastery, in Croize, number 1249, and Viva calls it probable, question 6, article 4, number 2, with Medina and Diana. The reason is that, truly (as the opponents themselves concede, as stated in book 4, number 143), any legislator can impose a serious matter under a light obligation. The objection raised does not apply; for the confessor in this sacrament not only acts in the place of Christ, but is also constituted by Christ a true judge and legislator, who, by the power given to him, remits sins and binds precepts, imposing an obligation to fulfill satisfaction: therefore, the gravity of this obligation arises not from the force of the Sacrament, but from the precept of the confessor. This second opinion, considered in itself, seems very probable to me, but I would not approve of it if the confessor, based on this doctrine, were to impose the entire penance under a light obligation for grave sins, except in the case of a serious illness, or intense contrition, or in another very rare case, in which

it would clearly be beneficial to the penitent's salvation; for I believe that, according to the decree of Trent, the confessor must always impose some serious work under a serious obligation (as I have already said, number 540, in end); although it may be light with respect to the number and gravity of the sins. Therefore, this opinion can serve only to this extent, that after the confessor has imposed a serious penance, he may impose another, more serious one, under a light obligation, so that if the penitent fulfills it, it will be sufficiently satisfying sacramentally.

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He should do so; but if he neglects it, he should not be burdened with grave guilt. And thus, I believe, a confessor should act; for, considering the weakness of the penitent, the confessor can impose only a minor penance under pain of precept, and a more severe one under counsel. It is better to advise the good penitent, imposing the more severe penance under a lighter obligation, so that all the prescribed works may be elevated to the merit of sacramental satisfaction. I certainly do not approve of what Medina, in Suarez, and others, in Busembach, say, as mentioned above, namely, that a confessor can sometimes impose a penance without any obligation; I say that this is entirely improbable; for the legislator can enact and not enact a law; but if he enacts it, he cannot enact it without obligation, since the law must necessarily, at least, impose a light obligation; for a law that does not obligate is not a law, but a counsel.

519.—Question 4: During the jubilee year, or a plenary indulgence, can a confessor grant absolution without imposing any penance on the penitent? The first opinion affirms this, and Lugo, book 27, number 21; Suarez, book 38, section 10, number 10; Palafox, page 24, number 9, agree with this, as do Toledo and Sahagun, Viva, question 6, article 1, number 4; and Quinto (although Salmeron and Viva limit this, unless the penitent needs some medicinal penance). And the same is taught by D. Th. Suppl., question 25, article 1, ad 3, where, in response to the objection that a priest cannot remit the penance, since this is part of the sacrament, he says: "When granting indulgences, he pays the penalty that he owes, from the common goods of the Church." He adds, however, ad 4: "Nevertheless, those who obtain indulgences should be advised not to abstain from the works of penance that have been prescribed for them." The reason for this opinion is that penance is primarily imposed to satisfy the temporal punishment, which is already entirely remitted by the indulgence. But, despite this, it must be held that the opposite is true, as stated by the Council, paragraph 407, number 6; Roncaglia, chapter 2, question 7; and Croia, number 1273, with Fill. Rod. Dicast. And today, there is no longer any doubt about this, since our Most Holy Pope Benedict XIV, in the aforementioned Encyclical, rejects the contrary opinion as being more severe, saying that it cannot be considered true repentance for someone who desires to obtain indul-

gences, if he intends, under this pretext, to exempt himself from fulfilling the sacramental penance. Reason 4: because, in order for the penitent to be freed from the penance certainly due through indulgences, he must be certain that he is obtaining them; but it is clear that this is very uncertain; therefore, he cannot satisfy his obligation with a certain remedy through an uncertain solution. Reason 2: because, even if someone were certainly to obtain indulgences, he must nevertheless always fulfill some penance (which is an integral part of the sacrament), so that the sacrament may not remain incomplete. I said some penance; for, generally and most probably, in addition to the authors cited above in favor of the first opinion, Navarret, chapter 26, number 21, and Tolosa say...

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Book 3, Chapter 41, Paragraph 8. References: Sporer, number 258; Elbel, number 248; Holzmüller, number 612; Laymann, Chapter 45, Paragraph 12. It is taught that, with the opinion of Soto and Henry, a confessor can, for a good reason, diminish the penance, provided that some penance is imposed, because by this imposition, the sacrament is already completed; and, conversely, indulgences sufficiently satisfy the temporal punishment of the common good of the Church. This is taught by St. Thomas, in the cited passage, 520.

A Question: If a penitent forgets the penance assigned to him, is he obligated to repeat his confession to receive another penance?

The first opinion, held by St. Antoninus, page 3, Title 44, Chapter 49, Section 49, and by Bonaventure, Question 5, Section 3, page 3, number 9, with Sylvestri and others, states that he ought at least to confess his principal sins again, so that a suitable penance may be imposed upon him; because the penitent ought, as far as he can, to ensure that the sacrament is completed; for he who is bound to the end is also bound to the means.

The second opinion, which is the common one, held by Lugo, book 25, number 87; Paleari, page 21, number 49; Sporer, number 552, with the common opinion; Croix, number 4275; Roncaglia, book 2, question 7; Holzmüller, number 647; Viva, question 6, article 2, number 6; Diana, volume 4, treatise 4, response 241; Elbel, page 272, number 244, with Navarrelius, Soto, Aversa, and Salmeron, on penance, chapter 10, page 6, number 83, nearly in the footnote, with Suarez, Vasquez, Laymann, Council of Vienna, Candida, Vivaldi, and others, denies this obligation, even if the penitent has culpably forgotten the penance; as is especially noted by Salmeron, ibid.; Sporer; Holzmüller; Elbel; Lugo, with Vasquez; and Croix, with Navarrelius, Soto, and others. The reason is that, on the one hand, he is no longer bound to the penance, since its completion has become impossible for him; on the other hand, there does not seem to be an obligation to repeat the confession in order to complete the sacrament, since no one seems to be obligated to repeat his sins, if they have been

directly remitted; for this would be a very grave burden.

Both opinions are probable. However, Coninck rightly points out, book 10, doubt 9, number 86; Paleari, number 48; Diana; Elbel; Sporer; and Salmeron, cited above, number 83, with Cajetan, Soto, Navarrelius, and Medrano, that such a penitent ought certainly to go to his confessor, if he believes that he is still mindful of the penance that was assigned to him; for then its completion is still morally possible for him.

Furthermore, he who completes his penance while still in the state of mortal sin, indeed sufficiently satisfies the debt, since he completes the substance of the penance; however, he still sins, but venially, as taught by Suarez, Laymann, Diana, in the cited passage, because he receives a part of the sacrament unworthily, and he places an obstacle to its effect, namely, the remission of punishment (which, however, is recovered when the obstacle is removed, as taught by Navarrelius, Tollet, Cajetan, Diana, volume 4, response 85, Fagundes, Suarez, and others). Therefore, it should be completed as soon as possible, and it can also be a very grave sin to delay it too much, which must be judged according to the various circumstances. See Diana, volume 2, response 53, and volume 5, response 38. It is not a grave, or mortal, sin, if it is not delayed beyond eight days, as taught by Hurtado.

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"Concerning Diana: It is possible to postpone [the penance] for a year (that is, as long as it is not assigned for a new sacrament of penance), as Diana herself states (p. 9, vol. 7, res. 57, citing Amicus and Leander, etc.), unless the penitent doubts whether he will be able to fulfill it afterward; in that case, he must fulfill it as soon as it is convenient. This is commonly held, as seen in Salm. de pænit. c. 10, p. 5, n. 65; Tamb. lib. 4, c. 2, n. 9; and Croiæ n. 428. However, it is probable that a delay of a month excuses one from mortal sin, especially if the penance is merely vindicative (1). Roncaglia, on the other hand, condemns the delay of penance by 15 days as a mortal sin, but this seems too strict; for it is not considered a serious delay if it does not cause a serious detriment to the prescribed act, as Lugo states (d. 25, n. 91), who adds (d. 92) that a delay must be for a long time to be considered serious. Renzi, however, in question 18, with Cotonio, and in the Gloss on l. fin. c. de Cens., says that a delay of less than six months is not serious; but this seems too lenient.)

Similarly, it is not mortal if one who is obligated to fast on a weekday postpones it to the following day; or if one who is obligated to receive communion every month postpones it by 6 or 8 days, as Diana states (in the aforementioned passage), citing Palæo, especially if there is some reason, even if slight.

Salm. (cited, n. 65) states that it is not mortal to postpone the obligation of confession for 4 days, if there is a just reason. And it is commonly held

(Pal. p. 21, §. 4, n. 12; Spor. n. 577; Holz. n. 605, with Suar. Conc. and others) that it is not mortal to postpone communion for 6 or 8 days, when one is obligated to receive communion every month. Roncæg. (c. 2, q. 6, r. 1) agrees, provided (correctly noting) that the penance is not medicinal; otherwise, the delay poses a risk of relapse. Croiæ (n. 427), with Gob. and Steph., believes that omitting one of ten communions is not mortal; but I do not agree with this.

522. — Question 4: Can one who is in a state of mortal sin fulfill the imposed penance? The first opinion denies this, and this is held by Tabiena, Alens, Archid. apud Salmant. de pænit. v. 40, p. 5, n. 69. They cite St. Thomas, who in Suppl. q. 14, art. 2, ad. 2, says: "It is necessary... that the works of satisfaction are pleasing to God, which is given by charity, and therefore, works done without charity are not satisfying." The reason for this opinion is that the sinner does an injury to the Sacrament, by placing an obstacle to the satisfaction imposed in the Sacrament. The second opinion, held by Tourn. Præl. theol. de pænit. qu. 7, art. 2, quær. 6, r. 3; Juenin. t. 7, p. 490, a. 3; Antoine. p. 519, also denies that one can fulfill the penance if he still has an actual affection for the mortal sin; otherwise, if he is only in a state of mortal sin, according to these authors. The reason is:

(1) "Certainly not (does he sin) who postpones it (the penance) for a month, provided that the penance is not medicinal, as Maxzolta and Croiæ point out." Hom. Ap. tr. 16, n. 57.

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Because, in order to satisfy God, the state of sanctifying grace is not required, but it suffices that there be a will to please God, which is lacking in one who has an actual inclination to sin. The third opinion, which is common and more probable, affirms this, and it is held by Suarez (d. 38, sect. 8, n. 1), Navarrus (c. 3, n. 7), Salmeron (cit. n. 69, in med.), Concini (p. 359, n. 3), Roncaglia (c. 2, q. 5), Lugo (d. 25, n. 30, with Paludanus), Cajetan, Soto, Sylvester, and Bonaventure (sect. 3, p. 4, n. 15, with Sa, Tol, Val, Vasquez, Con, Fill, etc.). The reason is that, in order to fulfill the precept of satisfaction, it suffices to perform the work prescribed by the precept, even if the end of the precept is not attained. It is objected to the text of St. Thomas that there the Doctor does not speak of the completion of the prescribed satisfaction, but only of its merit, which cannot be attained without charity.

523. — Doubt 2: Does one sin who fulfills a penance imposed while being in mortal sin? The Doctors agree that one does not sin mortally; but others (as Lugo (d. 25, n. 32), and Aversa, Dicast. Stephanus, etc., cited by Salmeron (ibid., n. 70), who consider it probable) say that one does not sin in any way; because, as they say, there is no sin in placing an obstacle only to the remission of the penalty. However, others hold more probably that one does sin venially, because placing an obstacle to the partial effect of

the Sacrament cannot excuse one from any sin; thus Suarez (d. 38, sect. 8, n. 7), Layman (c. 15, n. 15), Wigand (tr. 13, n. 129), Bonaventure (p. 4, n. 15), and Salmeron (cit., n. 70, in med.) also consider it probable. Wigand, Salmeron, and Antoine say that, if the fiction is removed, then the penance has the effect of satisfaction, contrary to Scotus, Medius, Bonaventure, and Vasquez, who hold that it has an effect when it is fulfilled.

524. — 2. Diana teaches (p. 6, t. 7, res. 49, from Paludanus, Trull, etc.) that a penance (even medicinal) imposed under the condition that one will again fall into sin, should not be accepted or fulfilled, because the confessor is neither a judge nor a physician of the sins committed. But the contrary is held more probably by Aversa (q. 43, sect. 4), because it is not imposed for sins committed, but for sins committed under the condition of relapse. (And this should be held with Suarez (de rel. l. 3, c. 8), Layman (c. 15, n. 14), Bonaventure (p. 2, n. 26), Salmeron (de pænit. c. 10, p. 3, n. 38), with Aversa and others. However, it must be understood that a proportional penance is imposed for the sins confessed.)

525. — 3. He who has not fulfilled the penance within the prescribed time is not thereby absolved from the obligation. Henriques says (ap. Renzi c. 2, sect. 3, q. 48) that if a day is assigned for the fulfillment of the penance, after that day has passed, there is no longer an obligation to fulfill it; but it must certainly be held that the opposite is true, with Busembach and Diana (p. 5, tr. 13, r. 37), Renzi (l.c.), and Croica (n. 4290), with Aversa, and Mendoza. However, ibid., Sporer (Con.) and Gobinus say that if someone has been commanded to abstain from work on a Saturday in honor of the Blessed Virgin Mary, after that day has passed, he is not obligated to abstain on another day. But this opinion does not appeal to me, first because...

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Principally, the penance is intended for the confessor, and secondarily, for the days; for since the matter is divisible, he who cannot fulfill the entire penance is bound to fulfill a portion. 526. — It is possible to fulfill it through another, to whom the confessor grants permission; and he who cannot do so himself, as the Regin. Fagund. Dian. teaches, p. 4, t. 4, res. 141. (But note here proposition 15, condemned by Alexander VII, which stated: "The penitent can, by his own authority, substitute another who can fulfill the penance in his place.") However, this is not required unless the confessor desires it. Whether one fulfilling the penance for another can also do so for himself, some say yes, while others more plausibly deny it, as stated by Sa. 527. — 5. It is not necessarily fulfilled before Communion. (Here, four propositions condemned by Alexander VIII are to be noted, namely: Proposition 16: "The order of fulfilling the penance before absolution was not introduced by ecclesiastical law or institution, but by the very law of Christ, and by prescription, as nature itself dictates." Proposition 17: "By this practice, the order of penance is soon reversed." Proposition 18: "The

modern custom regarding the administration of the sacrament of penance, even if supported by the authority of many and confirmed by the passage of time, is nevertheless not considered by the Church to be a proper practice, but an abuse." Proposition 22: "Those who claim the right to receive Communion before having performed a suitable penance for their sins are to be considered sacrilegious.") 528. — Questions: Who can change the penance, and in what way? Answer: 1. For a just cause, any priest can do so, if the person confesses anew, as the common opinion holds, contrary to Soto and Vasquez, at least if the sins are not reserved; indeed, it is probable even if they are, as Fernand teaches. Answer: 2. Without a new administration of the sacrament, only the priest who prescribed the penance can do so, if he still remembers the state of the penitent, and the penitent returns to him in a short time, so that he can morally judge the matter in the same way, e.g., within a week, as Henr. and others teach; indeed, even after a longer interval, as Cardinal de Lugo, Aversa, and Dian. teach, p. 7, t. 6, res. 46, and p. 9, tr. 6, r. 57, contrary to Pal. etc. The reason is that a judge, in a newly instituted cause, cannot render a judgment. Thus, Sylv. Suar. Con. Laym. Fill. Reg. Fag. and Cardinal de Lugo, contrary to Nav. Henr. Tol. Sa, Rodr. Bejam, Val. Dian. teach, p. 3, t. 4, res. 53, and p. 2, t. 1, misc. r. 53, who say that even another can do so, even without the repetition of sins. This opinion, although not based on reason, seems to be practically probable by an extrinsic principle (for Dian. in the aforementioned passage cites 14 authors in its favor, and states that it is a custom or practice of confessors), and can serve confessors, when the penitent can scarcely be brought to repeat the sins, or time does not permit; especially if, in confession (for in it,

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And it should be done not externally, but internally, that others, and from the present state of the penitent, and by the penitent's own testimony, should have some confused knowledge of the sins confessed in the previous confession. Thus, Fag. p. 2, l. 9, c. 4, n. 22; Lugo, d. 25, sect. 6, n. 107 and 109; Resp. 3. The penitent himself cannot change the penance, even if it is evidently a better one, as Sanch. 4, moral. Con. d. 10, a. 12, n. 13; Regin and others teach; although Dian, p. 3, t. 4, r. 53, and t. 2, tr. 4, r. 53, from Port. and Vill., argues the contrary. But Turr. says that this opinion is erroneous and contradicts the common opinion of theologians and the faithful, d. 23, sect. 6, n. 75, 529. It is doubted 4. Whether the penitent, wishing to have the penance imposed on him changed, is obliged to repeat the confession? Resp. If he confesses to the same confessor, it will not be necessary for him to repeat it, provided that the confessor still vaguely remembers his state of conscience. But if he confesses to another, there are two opinions: The first opinion affirms that there is an obligation to repeat it, and this is held by Laym. c. 5, n. 16; Lugo, d. 25, n. 107; Pal. p. 21, §. ull. n. 43; Conc. p. 434,

n. 20; Ronc. c. 3, q. 3; Holz. p. 458, n. 616; Croix, n. 1295; Elbel, p. 171, n. 243; Spor. p. 243, n. 588; Tamb. l. 4, c. 3, n. 22; and Salm. de pænit. c. 10, p. 6, n. 79, with Suar., Soto, Sylv., Vasq., Conc., Reg., Molf., etc. Reason 1: Because the confessor cannot change the penance, except in the sacramental judgment; but he cannot exercise this judgment unless the penitent presents his sins. Reason 2: Because, as the Council of Trent teaches, penance should not only be punitive, but also medicinal, that is, it should not only be for the punishment of past sins, but also for the protection of the future; but the confessor cannot apply the appropriate medicine to the penitent unless he has knowledge of his sins. The second opinion, which is quite probable, denies that there is this obligation, and it is held by Nav. Man. c. 26, n. 22; Tolet. l. 3, c. 44, n. 42; Bon. qu. 5, p. 3, n. 8; Sa, v. Satisfactio, n. 5; Dian, p. 2, tr. 15, r. 53, with Henr., Vill., Rodr., Vict., Vivald., Portell., Valer., etc., and they consider this opinion to be probable, Busemb. as above, Lugo, n. 109; Anacl. p. 532, n. 47; Sporer, n. 589; and Laym., Salm., Holzm., and Tamb. in the places cited. Reason: Because in this second confession, there is no question of rendering a judgment on the sins confessed in the previous confession, where the judgment has already been formed, but only of the penitent's inability or weakness to fulfill the penance, and thus it responds to the first reason. It is more difficult to respond to the second; but it can be said that the confessor, by changing the penance to an equal or lesser one, can well provide the medicine for other confessed sins, or by imposing a penance equivalent to the original one, or by reducing the penance given according to the penitent's disposition. Furthermore, these authors of the first opinion (as Palaus, Salm., Roncao, Elbel, and Croix) admit that in this case.

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It is not necessary to repeat every single sin, but only the principal ones, to the extent that it suffices to obtain a clear understanding of the penitent's state. Furthermore, Nav. c. 26, n. 22, Spor. l. c., and Tamb. n. 23, state that if the confessor observes that the penitent has not fulfilled his penance, nor is likely to do so, even without being asked, he can change it.

Doubt 2: Can a lower confessor change a penance imposed by a higher confessor due to reserved cases? The more common opinion is that he cannot, and this is held by Gonet d. 13, n. 36; Suar. disp. 38, sect. 10, n. 14; Lugo dist. 25, n. 104; Holzm. n. 616; Sporer n. 5185; Conc. p. 433, n. 16; Renz. c. 2, sect. 3, qu. 27; and also by Coninck, Valent., Regin., Vega, Molf., etc., as cited by Salm. de pœnit. c. 10, p. 6, n. 72. The reason is that an accessory follows the nature of the principal; therefore, since the higher authority had jurisdiction in the principal matter, namely, in absolving reserved sins, the imposition of penance, which pertains to the same jurisdiction, also remains reserved.

The second opinion affirms that the lower confessor can change the

penance, and this is held by Palaus p. 24, §. ult., n. 7, and Elbel n. 242, along with Sanch., Bonac., and Henr., and Sporer and Salm. l. c. call it probable, along with Vasq., Nav., Sa, Dicast., Gabr., Fern., etc. The reason is that once the sins have been absolved by the higher authority, all reservation is removed, and the sins remain common; therefore, if the penitent presents them again to the lower confessor, the latter can form a new judgment about them and, consequently, change the penance. It is argued that this does not prevent the lower confessor from having the power to judge the decision of the higher authority, because once the reservation is removed, both have the same power.

However, despite these arguments, the first opinion appeals to me more: for although the lower confessor may, here and now, form a new judgment about those sins if they are presented to him again, he has no power to change the judgment previously rendered by the higher authority; for it is a certain principle that the lower authority has no power over the law of the higher authority.

It seems probable, as stated by Bonac. p. 3, n. 6, and Renz. l. c., along with Suarez, Henr., Victor, Med., Fagund., etc., that the second opinion may be valid if there were a serious reason, and it was not easy to reach the higher authority; because in that case, the lower confessor could legitimately change the penance with the presumed consent of the higher authority.

Doubt 3: Can a confessor change a penance outside of confession? It is certain that one confessor cannot change a penance, even an unjust one, imposed by another outside of confession, as the common opinion states (Diana p. 2, tract. 45, r. 53) (contra Waler. et Victorell.); Salm. ibid. n. 74, and Croiac. n. 4293, agree with Lugo, who rightly calls the opposite opinion improbable. If, however, it is the same confessor who imposed the penance, Coninck n. 46, dub. 8, in fine, believes that he can change the penance outside of confession, but not beyond.

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As is stated above: the feast day; Sporer, number 586, with Soto and Valentius, extends to the following two days; Busemb and Diana, that is, with Henry Louis Vivald, etc., extend from the week, indeed, Lugo, Aversa, Gabii, etc., according to Salm, cited, number 74, would permit this. However, at present, a longer interval is required. But it is more truly said, with the common opinion held by Bonaventure, page 3, number 7; the Council, page 438, number 47; and Salm, ibid., with Suarez, Navar, Sylv. Vega, Beg. Rhenanus, and Dionysius, that this can only be admitted if it is done immediately after absolution, before the penitent departs, because then it appears morally to persevere in the same judgment (4). 530. — However, since it can be very beneficial to penitents, so that they may be more easily led to accept greater penance, and to abstain more strongly from sins, it is

advisable to indicate the penances which were formerly prescribed in the penitential canons for certain crimes, as noted by the Roman Catechism, Dr. Antoninus, and Dr. Charles Bernamaeus; therefore, here I have taken the liberty of adding some of the principal ones from these canons, according to the order of the decalogue, namely:

Regarding I. Precept. 4. He who has fallen away from the faith shall do penance for ten years.

2. He who has served the augurs, or who has practiced divination, or who has performed enchantments, shall do penance for seven years.

3. Regarding theft, and the use of an astrolabe, he shall do penance for two years.

4. If anyone has made ligatures, or fascinations, he shall do penance for two years.

5. He who has consulted with magicians, shall do penance for five years.

Regarding II. Precept. 4. Whoever knowingly has committed perjury, shall do penance for forty days on bread and water; and for seven years following, he shall do penance, and never be without penance; and he shall never be received as a witness, and after this, he shall receive communion.

2. He who has committed perjury in the Church, shall do penance for ten years.

3. If anyone has publicly blasphemed God, or the Blessed Virgin, or any saint, for seven Sundays, he shall stand in the forum of the Church, in manifest sight, while the solemnities of the Masses are celebrated; and on the last of those days, without pallium and shoes, bound with a correction around his neck; and for the seven preceding days, he shall fast on bread and water, and shall not enter the Church in any way. On each of those seven Sundays, he shall feed three, or two, or one poor person, if he can; otherwise, he shall be subject to the penance. To one who refuses to enter the Church, entrance shall be forbidden, and at his death, he shall be deprived of ecclesiastical burial.

4. He who has broken a simple vow, shall do penance for three years.

Regarding III. Precept. 4. He who has performed some servile work on the Lord's Day, or on a fast day, shall do penance for three days on bread and water.

2. If anyone has violated a fast prescribed by the Holy Church, he shall do penance for twenty days on bread and water.

3. He who has violated the fast of Lent, shall do penance for one day (1). "However, after communion, the penitent can always choose the first penance, as Suarez, Lessius, Bonaventure, and others, with Muzzetta, teach." Hom. Ap. tr. 18, number etc. (2). Also, see the introductory

dissertation at the beginning of the Rosary work. Edit.

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Concerning the First Precept. He shall do penance for seven days.

Concerning the Fourth Precept. Whoever has cursed his parents, let him do penance for forty days on bread and water.

2. Whoever has injured his parents, for three years.

3. Whoever has struck them, for seven years.

4. If anyone has revolted against his bishop, pastor, and father, let him do penance all the days of his life in a monastery.

5. If anyone has scorned or mocked the precepts or commands of his bishop, or of his ministers, or of his parish priest, let him do penance for forty days on bread and water.

Concerning the Fifth Precept.

1. Whoever has killed a priest, let him do penance for forty-two years.

2. If anyone has killed his father, or mother, brother, or sister, let him not receive the Body of the Lord for the entire time of his life, except at his death; let him abstain from meat and wine as long as he lives, and let him fast on the second, fourth, and sixth days of the week.

3. If anyone has killed a man, he shall always be at the door of the Church, and he shall receive Communion at his death.

4. Whoever was the author of a homicide, because of the counsel he gave, shall do penance for forty days on bread and water, together with seven subsequent years.

5. If any woman spontaneously procures an abortion, let her do penance for three years; if unwillingly, for forty-three.

6. Whoever, unwillingly, has oppressed a child, let him do penance for forty days on bread, herbs, and legumes; he shall abstain from his wife for as many days. Then, the penitent shall be for three years on the legitimate days; he shall also observe three Lents in the year.

7. Whoever has killed a child in order to conceal a crime, let him do penance for ten years.

8. If anyone has killed a man through sudden anger, or through a quarrel, let him do penance for three years.

9. If anyone has wounded someone, or has caused a limb to be severed, let him do penance for one year on the legitimate days.

10. If anyone has struck a neighbor without causing harm, let him do penance for three days on bread and water.

Concerning the Sixth Precept.

1. If a layman, being free, has lived in concubinage with a woman who is also free, let him do penance for three years.

2. Whoever, negligently, is defiled by lewd talk or a polluted gaze, let him do penance for twenty days.

3. Whoever has lived lewdly with his wife, let him do penance for forty days.

4. Whoever has committed fornication with two sisters, or has violated a spiritual daughter, let him do perpetual penance.

5. Whoever has committed incest (not of an enormous kind), let him do penance for forty-two years.

6. Whoever has violated a nun, let him do penance for ten years.

7. If any woman whitens her face with ceruse, or with another pigment, in order to please other men, let her do penance for three years.

8. If a priest has become aware of his spiritual daughter, that is, the one whom he has baptized, or who has confessed to him, he must do penance for twelve years. Although the crime is manifest, he must be deposed, and he must do penance by wandering for forty-two years, and afterwards enter a monastery, where he shall remain for the rest of his life.

9. For adultery, a penance of seven and ten years is imposed.

10. For an impudent kiss or embrace, a penance of thirty days is established.

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Concerning the Seventh Precept. 1. If anyone has committed theft of a minor item, he shall do penance for one year. 2. He who has stolen something from the Church's furnishings, or the treasury, or Church money, or offerings made to the Church, shall do penance for seven years. 3. He who has retained the tithe for himself, or has neglected to give it, shall restore fourfold, and shall do penance for twenty days on bread and water. 4. He who receives usury, commits robbery, shall do penance for three years, one year on bread and water. Concerning the Eighth Precept. 1. He who has given false testimony, shall do penance for five years. 2. The forger shall do penance on bread and water as long as he lives. 3. If anyone has detracted easily about a neighbor, he shall do penance for seven days on bread and water. Concerning the Ninth and Tenth Precepts. 1. He who wickedly desires another's property, and is greedy, shall do penance for three years. 2. If anyone desires to commit fornication, if a bishop, he shall do penance for seven years; if a priest, for five years; if a deacon, or a monk, for three years; if a cleric, or a layperson, for two years.

ARTICLE II. OF SATISFACTION THROUGH INDULGENCES. § I. What is an indulgence, and what is required for it? 534 What is an indulgence? 534 What is required to gain an indulgence? 535 What conditions are required? 534 With resolutions. And specifically, no. 9. Must all works be performed in a state of grace? And no. 10. Is a state of grace required to gain an indulgence for the dead? And no. 19. Does an unconfessed venial sin

prevent one from gaining an indulgence with regard to other remissions? 534. — R ESP. 4. An indulgence is the remission, granted by the authority of the Church, of the temporal punishment (but not of guilt) for sins, which, after contrition and confession, is remitted through the application of the merits of Christ and the saints, either through absolution granted to the faithful, or through a simple application to those who are not subject to the Church, such as the dead and catechumens, to whom indulgences are granted only as a form of suffrage. Suar. Conin. Fil. Sanctorell. Bon. d. 6. q. 4. p. 4. 532. — R ESP. 2. For the validity of an indulgence, a pious and reasonable cause is required, and this, as the common opinion of Suar. and others holds, must be proportionate to the effect and quantity of the indulgence, at least according to the prudent estimation of the grantor, sought not only from the difficulty of the work, but also from the intention and the utility of the work itself. Reason.

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It is derived from the nature of the dispensation of goods, which, if done without a cause by an inferior, is invalid and constitutes dissipation. Thus, the Author states: "It is the common opinion that the granting of indulgences without a cause is illicit and invalid; see Lug. d. 27, n. 439, and Wigandt, tr. 14, n. 91. Whether the cause must be proportionate is debated; some deny it (Suar., dist. 54, sect. 3, n. 1), but it is truer to affirm it (Suar., n. 5, and Lugo, n. 141), along with Adrian and the common opinion. Nor does St. Thomas in 4th, d. 20, q. 1, art. 3, object, which the opposing side commends; for the Saint affirms that equality of works with the debt due for sins is not required, but rather proportionality with the sin. Bellarmine also holds this view (de indulg., 1, 1, c. 12, t. 2). However, it is well noted that it is not for subordinates to judge whether a cause is just or not; they should simply consider it to be just.

533. — "Reply 3. The following conditions are required to gain indulgences: I. That the person be baptized. II. That the person be subject to the one granting the indulgence. III. That the person not be excommunicated by a major sentence, as the common opinion holds; for this deprives one of communion in spiritual goods. IV. That the person be at least free from mortal sin at the time the prescribed work is completed, because the penalty is not remitted before the sin. (See below, n. 9, apud Busemb.) V. That the assigned work be completed morally, wholly, and integrally. VI. That the prescribed work be honest, at least in its object; for it suffices if it is vitiated by an dishonest venial end, or by another wrongful circumstance (as Suarez and others commonly teach against the Council), at least if it nonetheless contributes to the purpose of the Pontiff, as Laym. states. The first reason is that the work usually completes the cause of the indulgence, which must be pious. The second reason is that the purpose of the assigned work is to achieve the end intended by the Pontiff. See Laym., Bon., d. 6, q.

1, p. 5.

(Others distinguish, as Mazzotta, t. 1, p. 244, and Bon., d. 6, q. 1, p. 5, n. 15, along with Nav., Val., Conc., Reg., and the common opinion, that if a venial sin affects the substance of the work, for example, if someone prays or gives alms for vain glory, then they do not gain the indulgence; see n. 536. Conversely, if it is not about the substance, as if someone prays distractedly, as Mazzotta states in the cited passage, along with Suarez, etc., as above, the common opinion holds; contrary to Wigandt, tr. 14, n. 93, who denies this, if the indulgence is granted to please God.)

534. — "1. Even those who grant indulgences can also benefit from them. 2. They do not expire with the death of the granter (1), since they are graces, nor, as S. states, before knowledge of revocation. 3. Although they must be understood according to their meaning; since they are graces, they are to be broadly interpreted (unless they are assigned penances, as Amicus notes in d. 20, n. 77), while still preserving the proper meaning of the words. (1) "Unless there is a clause: 'At our discretion.' Hom. Ap., tr. 16, n. 82."

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Where indulgences are granted, they are perpetual, if they are given without any time restriction. 4. Although, according to Sixtus, an indulgence granted for the hour of death expires once it has been received, the opposite is more probable, due to the reason for the grant. However, these indulgences do not require the application of a confessor, or the ministry of another. Quintan, in the appendix to volume 9, section 4. Nevertheless, it is advisable for the dying to frequently invoke the names of Jesus and Mary, and to recall in their minds the intention of gaining these indulgences. Ibid., section 4. It is probable that, if one has several blessed images, rosaries, etc., they can gain these indulgences as many times as the name of Jesus is repeated, or the required work is performed, either by virtue of the same concession, or of different ones. Ibid., section 6, citing Suarez. It is sufficient for gaining these indulgences that any time during which the article of death is verified suffices, even if it is several days from the actual death. Ibid., section 5. 5. The dying can gain several plenary indulgences, due to multiple granted titles, for example, because they have several rosaries, or grains, crosses, or images to which they have been applied; or by the title of their religion, confraternity, etc., provided that they do not require certain works to be performed for a specific application. Quintan, in the appendix to volume 9, section 4, and this is true even if they are unaware of them, or do not remember them. Ibid., citing Lugo, Diana, and others. 6. Contrary to Rodriguez and others, it is required that the dying person have a cross, a grain, an image, etc., with them at the hour of death, in order to gain the indulgence through it; and indeed, in order to obtain it more safely and certainly, they should have ownership or possession of it, and keep it with them. However, it is not necessary that it be attached to the neck, wrapped

around the arm, or held in the hand (although it is safer in some of these ways), but it is sufficient that it be on the bed, or near the dying person; even if the person does not see it, or touch it, or know, or remember that they have it (unless otherwise stated). It is also sufficient to have it lent, or in use (especially if this is stated in the indulgence itself, as is the case with the indulgences of St. Charles Borromeo and the Five Holy Wounds). It is not necessary to retain it until the indulgence expires (although this is safer), but it is sufficient to have it at some point during the article of death, and to invoke the name of Jesus (if this is required) in that moment. Ibid., section 6. 7. Indulgences granted to the living cannot be applied to the deceased, unless this is stated; because they depend on the will of the granter. 8. It is probable that an indulgence granted for a certain time can be obtained more frequently by repeating the prescribed works, for example, on the same day, unless a restriction is added: because favors are to be increased. Thus, says Henriques and Rodriguez. However, the opposite seems more probable, due to the will of the granter, which is reasonably presumed to be different. See Cardinal de Lugo, section 27, section 6, number 95.

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9. Although it is desirable that all works be performed in a state of grace, it does not seem strictly necessary. However, preachers and confessors should strive to encourage the people, when indulgences are proclaimed, to make their confessions diligently. The question is asked: must all works be performed in a state of grace in order to gain an indulgence? Navarrus, Cajetan, and the Council of Trent (n. 1410) affirm this. Others, such as Bellarmine (lib. 4, de Indulgentiis, cap. 42) and Wigand (tr. 14, n. 92), make a distinction: they state that if the indulgence is granted to appease God, then a state of grace is required; otherwise, if it is granted for another purpose, such as to aid the poor or to build a church. Still others, and this is the more common and probable opinion, say that it is sufficient if the final act is performed in a state of grace, as Concina (p. 450, n. 34) and Suarez (d. 52, sect. 5) state, along with Palearius (p. 5), the Council of Trent (l.c.), and Viva (de Jubileo, q. 6, art. 2, n. 6), along with Bona and Bossuet. The reason is that such works, at the very least, dispose one to please God, and have at least a moral effect. And this opinion is held by His Holiness Pope Benedict XIV, in his aforementioned constitution, where he stated: "We have considered those who begin the work without having previously made a confession to be scarcely to be excluded from the fruit of the indulgence, provided that, when they complete the work, they are in a state of grace."

10. In order for someone to gain an indulgence for the dead, it is probably not required that they themselves be in a state of grace; because only the work itself is set as a condition, upon which the Pope applies the indulgence, or the satisfactions of Christ and the Saints, to the deceased. Thus,

Escobar (l. 7, e. 5, c. 7, n. 45) and Suarez (Praep. in 3. part. q. 14, dub. 10, n. 93) state this. However, Cardinal de Lugo (d. 47, n. 75) teaches the opposite, requiring a state of grace, at least at the end of the work; which opinion is safer. "And this, to me, seems truer, along with Wigand (tr. 14, n. 96, r. 3), because no one can apply an indulgence to another unless they have first obtained it for themselves." It should be noted, with the same Wigand (n. 97), that although the effect of indulgences for the living is infallible, it is not infallible for the dead, since there is no promise that God will accept the works of the dead, but rather He does so at His own good pleasure.

11. A prescribed work, while being performed, must be useful for the purpose intended by the granter; for example, alms given for the redemption of captives, even if given while in sin, provided that another work is assigned to the person and performed in a state of grace (see Lugo, dist. 27, n. 84). However, a prescribed prayer to appease God is not valid if the prayer itself is a sin due to unfavorable circumstances; nor is fasting valid if it leads to drunkenness, nor is the visitation of churches valid if done without any devotion. Thus, Layman, Bona, and others state.

12. It is possible for several indulgences, granted in different ways, to be gained through a single and same work, if the work is equally useful for the purpose of each indulgence; and if it is not repeatable within the same time, for example, fasting or Communion. Thus, Praepositus and Laymann state.

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13. Indulgences are not granted: I. To those who, through inability, or ignorance, omit the entire prescribed work, or a notable part of it; for example, if a child or an elderly person does not fast; unless, however, this work has been commuted for them to another. *Henric. Cojet. Bon. p. 5. n. 16.* II. To those who perform the assigned works in a different place, time, or order than prescribed; or through another person, who is the principal cause, such as if someone fasts, visits churches, or performs other works through another. *Nav. Reg. l. 7 Bon. loc. cit.* III. To those who entrust the giving of alms to a servant, who retains it, as is held by Bonac. from many, against Sa. IV. To those who omit something that, according to a probable, or even a very probable, opinion, is not necessary, if, however, it is necessary in itself; because a common error does not make up for the deficiency. Thus, Bonac. from Suar., Sanch., and others.

14. The following do not impede the effect of the indulgence: I. Even if a small part of the required work is omitted, for example, a ceremony in the sacred place, or if one eats a little during fasting; because the work is considered morally complete. II. If the required work is performed through another person who acts as an instrument, for example, in giving alms. *Bonac. l. c.* III. If alms are given in a small amount, unless it is expressly stated in the bull that they must be given according to each person's ability;

in that case, a larger amount must be given by the wealthy than by another. Thus, Fill., Suar., Sa., and others. IV. If one is unable to enter the church to be visited due to a crowd of people, provided that prayer is offered before the doors, or in the cemetery. *Bonac.* V. Even if, in performing the work, one does not have the intention of obtaining indulgences, as taught by Salas, Bonac., and others, against Suar. And it seems certain, at least if one has an interpretative intention, as held by Laym. (And Wigandt tr. 14. n. 95. Viva qu. 6. art. 4. n. 4. Croix n. 1325. with Lugo, Molin., Pell., Gab., etc., and others.) VI. Even if the works are due from another source, for example, from a decree of the Church. Thus, Laym.

15. When the power to change the prescribed works into others is granted, this is not necessarily done in confession; nor by the confessor, who hears the penitent: but it can be done outside, and by another suitable person. Thus, Gregory XIII declares (and in the bull of indulgences, the term "confessor" is understood to mean any approved person) apud Henric. lib. 7. c. 40. n. 8. and Præpos. qu. 14. d. 10. n. 88.

16. It is more probable that someone who performs only a part of the prescribed work does not gain a part of the indulgence, unless they omit so little that it is considered morally complete. Thus, Bon. p. 5. from Nav., Suar., Conc., etc. When it is prescribed that several altars be visited, it is sufficient to turn oneself in prayer to those altars in the same place, as held by Sa, Bonac., Suar., Rodr., Diana, Limitat. However, Lugo limits this, stating that it must be in such a place and situation that it can be morally considered as praying to those altars. D. 27. n. 93.

18. When confession is prescribed, unless it is expressly stated in the bull to be for venial sins.

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It is more probable that it is not required as a condition without which [the indulgence] cannot be obtained, but rather as a disposition for the state of grace. Bon. l. c. (1). 49. No one obtains a plenary indulgence for all sins, unless he is free from all guilt, even venial guilt, when he completes the final act. Therefore, it is advisable that Communion be the final act. See Laym. It is certain that a venial sin, not remitted as to guilt, cannot be remitted as to penance. Thus, St. Thomas, Supplement, q. 27, art. 1, whom Viva, q. 6, a. 2, n. 2, Sporer, p. 234, n. 8, and others follow extensively. However, a venial sin does not prevent the remission of the penance due for other sins that have already been forgiven. See Viva, and Sporer, op. cit., and Wigandt, tr. 14, n. 94, and Renzi, c. 2, sect. 4, q. 47, with Laym. and Pelliz. It does not prevent a plenary indulgence from having been granted under the condition of total remission, so that if the penance is not remitted for that venial sin which has not been forgiven, then nothing is remitted. For it is answered that, just as it does not contradict the remission of the guilt of one venial sin that the guilt of other sins is remitted, so also with the

penance; and the Pope, in granting a plenary indulgence, does not presume to restrict it only to those for whom all venial sins are remitted, but rather to grant it according to the capacity of the subject, so that at least the penance for those venial sins for which the guilt has been remitted may be remitted. It should be noted here that, in order to gain indulgences, confession of sins, even venial sins, is required if it is written in the document: "Whoever is truly penitent, having confessed, etc." Thus, according to the decree of the Holy See on Indulgences, approved by Clement XIII, which was ordered to be published on March 19, 1759. The Holy See declared that confession can also be made on the eve of a feast day. Thus, P. Ferraris reports in his Biblical Dictionary, vol. 8, Appendix, no. 4.

What is the difference between an indulgence and a jubilee? 535 See what is said in Busemb. 536 Annotations by Benedict XIV regarding the jubilee are noted. 587 Q. 1. Must all works be performed in one week in order to gain a jubilee? Q. II. Does an invalid confession invalidate the reservation of censures and sins during a jubilee? Q. III. Does one sin gravely who, after being absolved from the reservations, does not perform other works? Q. IV. Does one who has confessed during a jubilee...

1) It is already established from the Decree of the Holy Congregation of Indulgences of May 19, 1759, by the words: "rite contriti et confessi," that sacramental confession is usually required, not as a means to the state of grace, but as a condition without which [the indulgence] cannot be obtained; however, according to the same Holy Congregation of Indulgences, of December 15, 1841, it is not necessary that absolution be given to the penitent in order to gain the indulgence. Furthermore, by the Decree of the Holy Congregation of Indulgences of June 12, 1882, sacramental confession made within a week before the feast day is considered sufficient to obtain the indulgence. It should be noted that the words "within a week" mean eight days, which immediately precede the feast day, and that by this confession, other indulgences can also be gained, which occur within that period, and for which sacramental confession is otherwise required, according to the Holy Congregation of Indulgences of December 15, 1841, Edit.

[*Latin ed. p. 373*]

Questions:

I. If a person dies with reserved sins, can he then be absolved of them in any way? And does the Jubilee remit all sins?

II. If a person, having confessed with the intention of gaining the Jubilee, remains absolved of reserved sins, even if he does not actually gain the Jubilee?

III. Can a person be absolved who commits a reserved sin with the expectation of the Jubilee?

IV. Can absolution be granted before the fulfillment of the prescribed penance, or of a vow made?

V. What sins and censures can be remitted in the Jubilee?

Doubts:

1. Can publicly excommunicated individuals be absolved?

2. Can dispensations be granted in cases of irregularity?

338. Questions:

IX. What about those who come in the name of the sick, captives, and travelers?

X. Is prayer alone sufficient to gain the Jubilee, or are certain acts required?

XI. What about almsgiving?

XII. Does fulfilling the penance for prescribed fasts fulfill other, less severe fasts?

535.

Answers:

1. There are two types of indulgences: one is plenary, or complete, which remits not only the penance prescribed by the confessor or by canon law, or that which ought to be prescribed according to these laws, but also all the temporal punishment due in Purgatory. It differs from the Jubilee only accidentally, by certain privileges, such as the dispensation that is permitted in the Jubilee for certain vows, the absolution from reserved sins and censures, and the fact that any approved confessor can be chosen. See Sixtus V, Decretalium, book 6, question 1, paragraph 2.

The other type of indulgence is partial, such as those for one day, or for several days; also, those for forty days, or for a hundred days, etc.; also, those for one-third of the sins. These do not signify that such a length of time in Purgatory is remitted, but rather that a certain amount of punishment is remitted, equivalent to that which would be remitted by a fast of one day, or of several days, or of forty days on bread and water, as was formerly customary according to canon law. Furthermore, when a certain number of years or the remission of one-third of the sins are added to a plenary indulgence, this is, according to different opinions, either to be understood in different ways, or it is done for caution, so that if the cause of the indulgence is not sufficient, at least it may be sufficient for those years, or so that the addition may be granted at a later time, by another action, and in another place; or finally, so that it may be applied to others as a form of suffrage. See Bellarmine, Indulgentiarum, chapter 9, paragraph 4.

2. Regarding the Jubilee, the following should be noted:

During the Jubilee year in the City, all plenary indulgences are usually suspended for those outside the City, both for the living (except those in prisons, unless they are in danger of death, as taught by Sixtus V, Decretal-

ium, book 6, question 1, paragraph 2, based on a declaration by Urban VIII in the year 4625), and for the dead. Also, other privileges are suspended, such as the power to absolve from the censures of the Bull of Communion, to change vows, to grant dispensations, etc., which are granted in order to gain plenary indulgences. However, these indulgences are not suspended for individuals, nor for those granted by anyone other than the Pope, nor are the privileges of religious, such as the power to absolve from reserved sins, etc., because only the powers granted in order to gain indulgences are suspended. Thus, Sanchez, Henry, etc., apud Diana, volume 1, treatise on indulgences.

[*Latin ed. p. 374*]

The Bull *Crucif. Filii Bon.*, book 1, chapter 20, section 8, number 145, following the declaration of Urban VIII in the year 1625, states: Similarly, the faculty granted to Bishops by the Council of Trent, session 24, chapter 6, to absolve and grant dispensations to their subjects in all cases reserved to the Apostolic See, is not suspended; nor is the granting of dispensations in irregularities, impediments to marriage, or the remission of debts, which are rightfully due to them. Zerola, *Annus Sanctus*, section 4; Quintan, in *Append.*, volume 3, page 16, number 2. Although it is probable that, as Navarrus often states, indulgences can be gained more easily within the Jubilee, extended to two weeks, it is nevertheless truer, as the Congregation of Cardinals declared, as Bonanni states from Suarez, book 6, question 4, page 5, number 32, that indulgences can be obtained as often as the prescribed works are performed; and this is from the declaration of Urban VIII, book 3. One must then satisfy, 4, by confessing on the Saturday before the first Sunday, as Laymann, Bonanni, and the practice of the faithful hold. Also, one who confesses and receives Holy Communion on the last Sunday of the Jubilee. However, the other works must be performed beforehand, and indeed within one week, as Lugo states, book 27, number 405, contrary to Bonanni, page 4, question 5, number 2. He who does not observe the order within the prescribed works. 3. If someone begins confession within that time, and it must be postponed for a material reason, he can then be absolved from reserved matters, and his vows changed; afterwards, however, he can be absolved from all, even those he has forgotten, from reserved matters, and even dispensations can be granted for those forgotten; indeed, he can do everything after the confession is finished, which he could not do before, because, since the cause has begun, the delegated power remains until it is finished. Thus, Sa, Lessius, book 2, chapter 40, number 46; Bonanni, Laymann, Sanchius, book 4, chapter 54; Dianti, volume 2, mixed reasons, number 14, number 4. He who neglected to gain the Jubilee in his homeland can gain it elsewhere, as long as it lasts there. Sanchius, Ugolini, Dianti, page 3, volume 4, reason 151. Indeed, even in his homeland, if, at the time of publication, he did not know about it through invincible

ignorance. Bonanni, Dianti, book 1, chapter 5. When two Jubilees occur on consecutive days, both of which require confession and Holy Communion, it is not necessary to confess and receive Communion twice, provided one perseveres in grace; however, the other works must be repeated. Turroni, page 2, number 32. See Dianti, page 4, volume 4, reason 166, 536. Above all, it is important to note the decrees of the Most Holy Fathers, Pope Benedict XIV, in his Constitution, *Inter præteritos*, published on December 3, 1749, concerning the Jubilee of the Holy Year, of which he spoke previously in the Consistory Address given on May 5 of the same year, saying: "We will not neglect to gather together the difficulties... and to remove all questions in the middle..." Adding there: "Therefore, the Doctors of the Constitution of other Pontiffs have falsely interpreted it, because they have not understood it well."

[*Latin ed. p. 375*]

They carefully examined the very words. Then, in the aforementioned Constitution, among those who have passed away, it was decreed:

I. Through the words, it must be understood that, for those who are truly penitent and confessed, an actual confession is required (In the aforementioned Constitution, among those who have passed away, § 5).

II. All visitations of churches must be completed in one day, beginning the day from midday to midday, or from vespers to vespers. (§ 13).

III. Through the clause: "To Our pleasure, and to that of the Apostolic See," the indulgences do not cease with the death of the Pontiff; otherwise, if only "To Our pleasure" is stated. (§ 48).

IV. Regarding the suspension of indulgences, when it is stated in the grant, all and each, even plenary indulgences, are suspended. (§ 22).

V. Indulgences for the living cannot be applied to the deceased. (§ 23).

VI. During the time of the Jubilee, all the privileges of the regular clergy for absolving from the censures of the Holy Eucharist, and those reserved to the Apostolic See, and for changing vows, whether granted with a view to indulgences or for other reasons, remain suspended. (§ 26 and 32).

VII. The power of the Jubilee cannot absolve from external heresy. (§ 38).

VIII. When it is stated: "The change of vows shall be made by dispensation," primarily, attention must be given to the change itself, so that the substituted matter is not of a lesser degree; otherwise, if it is stated: "Dispensation shall be made by changing," (§ 45).

IX. The power to grant dispensation is not included in the power to change. (§ 47).

X. As far as irregularities are concerned, whatever the controversy may be, whether an irregularity resulting from a fault is included under the name of censure, the power to grant dispensation from hidden irregularities due to the violation of censures is given. (§ 50).

XI. The power to change pious works is not understood to be given concerning confession and Communion (except with children), or necessary prayer during visitation. Nor can a change be made to works that are due from elsewhere. Nor can the Jubilee be obtained through a work that is otherwise due (for example, if someone is obligated by a legacy to give alms to a poor person), unless the one granting the indulgence specifically states that it can be obtained through the aforementioned work; for it often happens that, among the prescribed works of three days of fasting, specific days are indicated, e.g., it is said that there must be three days of the four seasons of September. (§ 53). Also, the change must be made in works of the same nature. (§ 55).

XII. Except for the greater excommunication reserved to the Pontiff in the Constitution *Apostolici Muneris*, imposed upon a priest who is an accomplice in a heinous sin, because he receives the confession of a penitent outside of mortal danger, and absolves him; or who absolves in mortal danger, when another priest is present; or, when another priest is present, he pretends that if the penitent confessed to him, infamy or scandal would arise, and therefore he receives the confession or absolves him, this incapacity is imposed in any Jubilee to absolve the accomplice penitent. (§ 59 and 60).

XIII. Since the graces that are granted are those pertaining to the attainment of the Jubilee, and are, as it were, a preparation for it, it clearly follows that their use has no place except in conjunction with it.

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who is prepared to attain the Jubilee, and who has a firm intention of fulfilling the prescribed works. §. 62. XIV. Only confessors are permitted to absolve in the sacramental forum, and in designated churches, and to change vows. §. 63. XV. During the time of the Jubilee, or of indulgences, a penance must be imposed by the confessor, lest the sacrament remain incomplete. §. 65. XVI. By the term "injured party," the judge is not meant, but rather the one who has suffered the damage. §. 66. And it is also declared that vows cannot be changed to the detriment of a third party, such as the vow of a member of a religious congregation, which takes on the nature of a contract and a reciprocal obligation between the one making the vow and the congregation. XVII. If someone, after confession, falls into mortal sin, he must confess again, so that the final act may be performed in a state of grace. §. 73. XVIII. Works performed in sin are valid for gaining the Jubilee, provided they are done with the intention of giving honor to God; but not if they are done with a vain purpose: and provided that the final act is performed in a state of grace. §. 75. and 76. XIX. By the term "inhabitants" are meant all those who are in Rome, with the intention of living there for the greater part of the year, and all those who reside in Rome for the purpose of some office or business. Confession is necessary to gain the

Jubilee, even if one has only venial sins. §. 77. XX. For other indulgences, if confession is prescribed as a preparation, confession of venial sins is not required; unless it is prescribed as a prescribed work. §. 78. XXI. If someone, after confession, falls into mortal sin, although he is not required to repeat the visits, he is nevertheless obliged to confess again. §. 79. XXII. It is not necessary in the visits to the basilicas to enter or exit through the holy doors in order to gain the indulgence, although such an entrance may be considered a work of supererogation. §. 81. XXIII. If someone visited the basilicas before the publication of the Indult, and completes the visits on the very day of publication, he can enjoy the Jubilee, provided that he completes the entire visit to the four basilicas on that day. §. 82. XXIV. Vocal prayer is sufficient; but he who wishes to pray only mentally is to be commended, although he should add some vocal prayer. §. 83. XXV. One can gain the Jubilee again if he repeats the prescribed works; but he can enjoy the benefits only for the first time. §. 84. However, this is not to be understood in relation to the indulgence granted to those who have visited the church on the prescribed days, for then only one indulgence can be obtained. Ibid. XXVI. In the granting of the faculty to be absolved from censures, the Bulls of Cœna do not include the faculty to be absolved from heresy. §. 85. XXVII. He who, after confession, has been absolved from censures, and has received the other graces of the vows, if he changes his intention of fulfilling the remaining obligations, remains dispensed from the vows, and does not incur the censures again. §. 86. It should be added that in the Constitution "Celebrationem," issued on January 1, 1751, the same Benedict XIV declared the faculty previously granted to nuns and their novices in the Constitution "Benedictus Deus," issued on December 25, 1750, §. 4, to choose, during the time of the Jubilee, any confessor.

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It is understood that the confessor, in such a case, must be an approved confessor appointed by the local Ordinary for that particular monastery. Finally, it should be noted that during the Jubilee year, the religious are permitted to receive absolution from any priest approved by the Ordinary, even a secular priest, as declared by Gregory XIII and Alexander VII in the Constitution *Unigenitus*. This is reported by Father Ferrar in *Bibliotheca*, volume 5, article 2, number 21, and they can also receive absolution from him for reserved matters pertaining to their order.

537. Question: Is it necessary to complete all the prescribed works within a single week in order to gain the indulgences? To answer this, it is first necessary to note the usual wording found in such indulgences, which is: "Those who have participated in the procession, or have visited the designated churches, and who have fasted on the fourth, sixth, and seventh days of one of two weeks, and who have also confessed their sins, and received Holy Communion, and have given alms, etc." Given this, the answer is

negative, as stated by Pal in *Tractatus*, page 24, paragraph 12, section 3, number 19; by Bonaventure in *De Paenitentia*, book 6, question 1, page 5, number 34; also by Præpositus and Naldus, as cited by Renzi in chapter 2, section 5, question 1; and by Rodriguez de Sa, Diana, and Lohn, as cited by Crocia, number 1450. They state that the Dicasterium and Graff agree, and Laym also agrees in *De Paenitentia*, chapter 13, number 10, if there is a reason. The reason is that, since it is stated in the indulgence that the works must be performed in one of two weeks, there is no reason why the completion should be restricted to a single week.

The second opinion, which I follow, affirms: and this is held by Sanchez in book 4, chapter 4, number 28; Lugo in book 27, number 405 (who calls the opposing view false); Sporer in *Supplementum*, page 263, number 473; Viva in *De Jubileo*, question 8, article 2, number 3, with Ugolino, Regius, and Faustus Holzmüller, number 659, with Henry Gobat, and others, as asserted by Renzi in the aforementioned work, with Nugno, from Sanctorell. The reason is that this is the common practice of the faithful, as Laym also admits, and it is clear from the wording of the indulgence, where it does not say "of both weeks," but "of one of two weeks," which implies that the works must be performed either in the first week or in the second week.

I also believe that the same should be said regarding confession and Holy Communion, as stated by Lugo, Holzmüller, Renzi, and others mentioned above, contrary to Pal and other authors of the first opinion, who say that those who have completed the prescribed works in the first week could still receive absolution for reserved matters in the second week. But the opposite appears to be true, based on the wording added in the indulgence, "and who have also confessed their sins, etc."; therefore, just as the fasts must be completed in one week, so too must confession and Holy Communion.

It is not valid to say, as Pal does, that this refers to the obligation of the works, not of time; for in truth, the word "also" implies the connection of the works, not only in substance, but also in the circumstance of time.

Lugo, number 107, and others, as cited above, very likely state that if someone has completed other works in the first week,

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Here, it is possible, through common custom, to complete the communion on the Sunday immediately following. And the same is probably said by Diana, page 4, treatise 4, Miscellanea, rule 28, and by Lugo, book 20, number 407, along with Soto, Navar, Sahagún, Henry, Regius, and others, who say that this was also declared by Gregory XIII. From this, it follows (as Holzmüller notes) that the middle Sunday is common, and belongs to both weeks.

Question II: Are reserved sins absolved, and is the reservation of sins removed, through an invalid confession during the Jubilee? If the confes-

sion is culpably invalid (whatever Cajetan, Henry, etc., say, as cited by Croix, number 1449), it must certainly be denied, as Lugo states, book 20, number 443, and Viva says about the Jubilee, question 44, article 6, number 2 (who rightly denies this, contrary to Lugo, even if someone has the intention in that confession of later making a valid confession). The reason is, first, because no one should be protected by their own deceit; second, because faculties are granted in confession, so that the faithful may obtain the Jubilee through it; therefore, he who confesses sacrilegiously, while truly not intending to obtain the Jubilee through such a confession, cannot enjoy these faculties. And on this point, it seems that there is no longer any doubt today after the declaration of N.P. Benedict XIV, as we noted above, number 536, number XIII.

However, if the confession is invalid due to a lack of sorrow, and was made in good faith, the same is held by Bonaventure, book 5, question 7, page 5, section 5, number 9, along with Rodriguez and Croix, number 1449, and Tamburello, Regius, Aversa, etc. The reason is, first, because faculties in the Jubilee are not granted absolutely, but for true penitents; second, because the faculty of absolution is granted under the condition of obtaining the Jubilee, which cannot be obtained if there is a valid confession lacking.

Others believe that, through such an invalid confession, the reservation is removed; thus, Lugo, book 20, number 440, and Viva, in the work cited, along with Concinius, Henry, and others, as well as Dicinius and Gobinus, as cited by Croix, book 20, number 1475, who considers this probable. The reason is, as they commonly say (speaking truly outside the time of the Jubilee), Bonaventure, book 5, question 7, page 45, section 6, and Salmeron, on penance, chapter 43, page 3, number 44, along with Suarez, Cajetan, Lugo, Concinius, Dicinius, and others, that sins are reserved so that they may be confessed to one who has jurisdiction over them, either ordinary or delegated, so that he may judge and impose penance, and grant absolution: which already happens in our case; therefore, in order for the confessor to remove the reservation, it is sufficient that the penitent has a true intention of obtaining the Jubilee.

But, despite these opinions, the first opinion seems more probable to me, because, when the Pope grants the faculty of absolving from reserved sins, so that the faithful may obtain the Jubilee, it is not presumed that he grants it for those who cannot obtain the Jubilee with that confession. And this seems to be confirmed by the words of Benedict XIV, in the aforementioned constitution, *Inter præteritos*, where he says that faculties are granted as preparations for obtaining the Jubilee; therefore, it is not presumed that he intends for one who cannot obtain the Jubilee to enjoy these faculties, since the faculties are not a preparation for obtaining the Jubilee.

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It is inquired: Does one sin gravely who, after having been absolved from

reserved sins, does not subsequently fulfill the prescribed penances? The first opinion affirms this, as held by Viva de Jubil. q. 44, a. 4, n. 2, with Suarez, Vasquez, and Filliu. And this opinion is stated by Benedict XIV in the aforementioned Constitution, Inter Præteritos, § 86, as being based on a sound reason, because in a grave matter, he would be contravening the intention of the Pontiff, who granted the indulgences as a means of obtaining remission of sins. However, it is commonly held by Sanchez, Decis. l. 4, c. 44, n. 54, with Henriquez, Palud. tr. 24, p. 12, § 3, n. 13; Bon. dist. 5, qu. 7, part. 5, § 4, n. 48; Lugo, dist. 20, n. 100; Sporer, p. 269, n. 215; and Salm. de pænit., c. 13, p. 3, n. 57, with Naldo, Diana, Portel, etc. The reason is that such an obligation is not imposed either by the nature of the jubilee itself, nor by the precept of the Pontiff or the confessor; and in a matter of precept, no one is bound to fulfill it if in doubt. However, it is commonly said by Navarrus, Vasquez, Laym, Henriquez, etc., as cited by Crocia, n. 1448, against Ugolini, that a penitent who neglects to complete the prescribed works does not thereby relapse into reserved sins or incur censures. And this was defined by the same Benedict XIV in the aforementioned Constitution, § 86.

It is inquired: Can one who confessed during the time of the jubilee, and forgot to confess reserved sins, or omitted them for that reason, be subsequently absolved from them by any confessor? All affirm that, if during the time of the jubilee, the confessor had the express intention of absolving also from reserved sins. But if he did not have this intention, Bon. p. 45, § 5, n. 3, with Vasquez and Sylvester, Rosel, and Sayr, as cited by Sanchez, de malrim., l. 8, dist. 15, n. 17, with Sa and Henriquez, Palud. tr. 24, p. 12, § 3, n. 9, deny it. But it is more probable that Bus, as above, Sanchez, l.c., Suarez, dist. 31, sect. 4, n. 24, and Viva, qu. 44, a. 4, n. 2, with Reg. Navarrus, Cabral, and Diana, as cited by Crocia, n. 1449, with Aversa, Pelizius, etc., affirm it. The reason is, both because the penitent, by virtue of the jubilee, acquired the right to the favor of the Pontiff, so that from that time he can be absolved by any confessor, and also because the first confessor is presumed to intend to confer upon his penitent all the benefits that he can; therefore, just as those sins that are forgotten are indirectly absolved, so too is the reservation indirectly removed.

All agree that if one began confession within the jubilee, he can then be absolved by anyone from all reserved sins. Thus, Navarrus, c. 26, n. 13; Laym, c. 43, n. 9, with Palud, Henriquez, Rodriguez, Bon., l.c., and others, generally. And this is probably extended by Sanchez, l.c., and Viva, with Bossio, and commonly, even to those reserved sins which the penitent commits after the time of the jubilee has passed, because he still perseveres in the same favor of indulgences.

But can one who confessed during the time of the jubilee obtain from any confessor a commutation of vows after that time? Laym, c. 13, n. 9, and Suarez, Bon., and Filliu, as cited by Crocia, n. 1473, deny it. The reason is

that the absolution granted by virtue of the jubilee could not include vows, the commutation of which was not sought at that time. But it is commonly held by Lessius, l. 2.

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c. 40. n. 409. Pal. l. c. Viva q. 42. art. ult. num. 3. Sporer p. 272. num. 237. with Gob. Portel. and Sanctorell. , and Sanch. Ioe. b. n. 48. also holds that even if the penitent remembered his vow during the jubilee, he is absolved. The reason is that, as stated, the penitent, through the power of the jubilee, has acquired the right to such a change. Both opinions are probable. However, Suarez, in "De Voto" book 6, chapter 49, number 10, and Holzm. number 645, with common opinion, state that for the aforementioned change of vows, a special cause is not required, but the common cause suffices, for which the Pope was moved to declare the jubilee.

Question: If a penitent confessed during the jubilee with the intention of obtaining absolution, and afterward does not obtain it, because he does not fulfill the required works, is the reservation then lifted for his forgiven sins? The Council, page 574, number 47, with Vasquez, denies this, and Suarez considers it probable, in d. 31, section 4, number 23. The reason is that privileges are granted to obtain the benefits of the jubilee, and therefore, until that benefit is obtained, the penitent cannot enjoy those privileges.

However, probability affirms Suarez, number 24, Sanch. Dec. l. 4, chapter 54, number 45, and de matr. l. 8, d. 25, number 21, with Manuel. The reason is that during the jubilee, the power is granted to absolve all who have the intention of obtaining it from all reservations, as is clear from the aforementioned number 536, number XXVII. Therefore, when the confessor grants absolution, the reservation is absolutely removed, and not conditionally, depending on a future event; for nothing is granted during the jubilee under the condition of a future event, and therefore, when the removal of the reservation has already taken effect, the penitent does not fall back into it, even if he does not complete the works afterward.

Question VI: Can one be absolved from reservations for sins committed with the hope of obtaining absolution through the jubilee? The first opinion, which is very probable, denies this, and Coodr., Lopez, and Menoch. hold this opinion, as stated in Pal. p. 42, §. 3, number 45, because it is not presumed that the Pope wishes to foster iniquity. This is confirmed by the Tridentine Council, session 24, on Reform, chapter 5, which states that one who has committed a sin with a relative in the hope of obtaining a dispensation will be granted leniency, and he must express to the Pope that he committed the crime with this confidence.

The second opinion, which is more common and sufficiently probable, affirms this, and Suarez, l. 4, de voto, chapter 54, number 48, and Pal. l. c. number 46, with Henr. Graff, Vega, Rodr., etc., hold this opinion. The reason is that a generally granted power should not be limited. It does

not contradict to say that the Pope would thus foster iniquity; for, if this were the case, it would still be said that Christ fostered iniquity when He instituted the sacrament of penance; however, it should not be said that remedies, which are prepared for those who have previously sinned, foster iniquity.

Question VII: Can the power granted during the jubilee to absolve from occult censures incurred due to damage caused to another be exercised, under the condition that the penitents are not absolved unless they have made amends, or have paid restitution?

[*Latin ed. p. 381*]

Concerning the fulfillment of a vow, can absolution be granted before satisfaction, or is a vow required? If the penitent is able, he should immediately fulfill the vow; otherwise, he would be absolved illicitly and invalidly; thus, Suarez, d. 7, on censures, sect. 5. Sporer, p. 209, n. 214, and Viva, q. 10, a. 2, n. 9, with Vasquez, Gobellus, and Filliu against Avila, Bonanni, Bardi, and others, ibid., who deny that this can be done invalidly, since it is rather a warning than a condition. However, the opinion of Suarez and others, as mentioned above, seems more true to me, because it is a true condition, and if it is not fulfilled, the faculty is not granted. However, Father Theodor. à Spir. S. c. 9, §. 4, n. 3, states that a fidejussory or juratory satisfaction is sufficient for absolution, always and whenever the confessor judges that absolution will benefit the penitent and will not delay him from fulfilling the vow. But this opinion is more probable in theory than in practice. Therefore, it is more accurate to say, with Croix, n. 1453, and Viva, q. 10, a. 2, n. 9, that in this case, absolution from censures cannot be granted unless real satisfaction is actually given; and this is expressed by Benedict XIV in the constitution *Convocatis*, where it is said: "From hidden censures incurred on the part of the injured party, confessors should not absolve them until the penitent has satisfied the injured party; or, if the penitent cannot do so, they should not absolve him unless he swears that he will satisfy when he is able." However, Croix, l.c., and Viva, n. 3, with Sanchez, Henry Boss, and others, rightly say that the satisfaction is well considered to be given to the injured party if the person to be absolved arranges things in such a way that the satisfaction is certainly and morally to be fulfilled; for example, if the penitent gives to the confessor, or deposits with another, what he owes to be restored. And Viva also says that if the penitent obtains a delay from the injured party with their consent, it is well. However, before satisfying the treasury or the judge, absolution can be granted, as Tamburrini and Suarez say, apud Croix, ibid. But if the penitent is unable to satisfy, then he can be validly and licitly absolved, according to the more common and accepted opinion of Sporer, p. 269, n. 214, Father Theodor., loc. cit., Renzi, c. 2, sect. 5, qu. 24, with Filliu, and Viva, n. 4, with Suarez, Layman, Bonanni, and others (against Soto, Navarrelius, and Cordubius, ibid., who said that he should

not be absolved who cannot satisfy, since satisfaction is a condition without which nothing). The reason for our opinion is that it is not presumed that the Pope would demand an impossible condition. Nor is a fidejussory guarantee, or a pledge, or an oath required, say Sporer, l.c., and Viva, n. 6, because (as Suarez, sect. 10, n. 4, and Navarrelius, Layman, Henry Boss, etc., apud Viva, say), these guarantees are only required for the external forum. But according to the words of the Pope mentioned above, an oath of fulfillment of the satisfaction should certainly be required, since it is commanded to confessors: "Do not absolve him unless he swears that he will satisfy." However, Tamburrini and Bellegarde, apud Croix, n. 1454, rightly say that such an oath is not necessary if the penitent is truly and permanently unable to satisfy. Furthermore, Father Theodor., n. 4, adds that a condemned person can be absolved: I. If the injured party accepts the satisfaction, or remits it, even if there has been public damage, as

[*Latin ed. p. 382*]

The Gloss states in chapter 6: "Although concerning agreements in Patti." Therefore, if anyone strikes a cleric, it suffices for him to submit, or to remit the offense and injury; or to behave in such a way that it may reasonably be presumed that he has remitted all offense. This is rightly noted by Croize, number 1456, who, with Bonac and Fill., (against Viva, Tamb., Diana, etc.) states that the remission offered by a monk to one offended is not sufficient if the injury has extended to the entire community; and this is testified to by Fillucious as the practice of the Holy Penitentiary.

II. If a party refuses a just satisfaction offered, because he is then not absolved; thus, the aforementioned author states in the same place, with Candido.

III. If the penitent offers what he can, and gives a pledge, or makes an oath regarding the remainder.

IV. If the debtor is unable to satisfy at that time, except with great loss or inconvenience; unless the injured party would suffer the same loss through delay. Thus, the same author states with Navar and Avila, who adds that, if the creditor is distant, the debtor may be absolved if he deposits the money in a safe place.

Is someone absolved from censures under the promise of satisfying, to relapse into them if he does not satisfy afterward? Navar, Rodr., and Vega state this in Viva, number 7. But it is more probable that Sporer states the contrary in the same place, and Viva with Sa, Gob., Boss., and Pasq., because, from chapter "To Repress," in the Office of Ordinances, relapse does not occur unless it is expressly expressed.

Question VIII. From which cases and censures may confessors absolve during the Jubilee year? Commonly, Suar. d. 7, on censures, chapter 5, Holzmann, page 163, number 638, Sporer, page 268, number 212, Viva, question

44, article 2, number 4, and also Vasquez, Laym., Henr., Reg., Diana, and others, in Croize, number 1451, state that, during the Jubilee, when the faculty of absolving from those reserved to the Pope is granted, the faculty of absolving from those reserved to the Bishop is also granted, although this is not expressly stated. Furthermore, although heretics cannot be absolved, those who utter heretical blasphemies, and supporters or adherents of heretics, may be absolved; as well as those who read, retain, or print heretical books; thus, Croize, number 1454, with Lugo, Gob., Diana, and Belleg., and Viva, question 41, article 4, number 6, with Suarez, Sanch., Henr., and Bossio, against Azor, Rodr., and others. The reason is that, although such crimes are concerning, they are not properly formal heresy.

However, there is doubt 4. whether public assailants of clerics, and others specifically excommunicated, or suspended, may be absolved. Commonly, Sporer, page 268, number 213, Holzmann, page 164, number 740, Viva, question 44, article 4, number 5, and Croize, number 1457, with Sanch., Henr., Sa, Sbyr., Lex., Diana, Gob., etc. (against Vasquez, Con., and Avila) state this. The reason is that, since the Indult does not distinguish between public and occult censures, the faculty should not be restricted to only occult ones. This was expressly granted by His Holiness Pope Benedict XIV in the constitution "Convocatis," number 5, during the Jubilee year, stating that penitents may be absolved from censures in law reserved even to the Apostolic See, even if they are public in certain parts, and even if they have been imposed or specifically declared and announced in those same parts by law.

[*Latin ed. p. 383*]

The Ordinaries, or other judges, may add to this. Furthermore, it is stated in number 6 that those absolved by a censor, whether by a person or any judge regarding specific matters, are absolved only to the effect of obtaining the indulgences of this jubilee, etc. And regarding the absolution of such censures, it is prohibited to give testimony to that effect by the confessor.

Question 2: Can dispensations be granted for irregularities during the jubilee? Bannez and Salon, cited by Viva, question 40, article 4, number 4, affirm this, and Salas, Rodr. Diana, and Boss consider it probable. Soto, 4th part, 22nd question, 3rd section, agrees with this regarding irregularities arising from sin, because such irregularities have the nature of a censure. However, Suarez, in *De Censuris*, 4th part, 3rd section, and Molinæ, 80th part, Holzmann, page 164, number 641, generally deny this, as does Viva, in the aforementioned passage, number 2, along with Fillon, the Trullan Council, and Moja, who believe that irregularities do not fall under the name of censure; but we will discuss this question more fully later in the section on censures, page 7, number 354.

Furthermore, Benedict XIV, in the aforementioned constitution *Convocatis*, number 12, speaking of irregularities (setting aside this question),

only granted that dispensations could be given for hidden irregularities arising from the violation of censures.

Question 9: Who are considered the infirm, captives, and those traveling, for whom some of the prescribed works of the jubilee can be commuted? It is said "some," because confession and Holy Communion can never be commuted, as commonly stated by the Doctors, with Lugo, 27th part, number 448, and it is certain from the aforementioned constitution, section 53. Those considered infirm are all the sick, who, without notable detriment or difficulty, are unable to perform these works. The elderly are also considered infirm, as stated by Holzmann, number 663, and by Viva, question 7, article 2, number 2. Captives are those who are detained against their will. For these, a commutation or postponement of the works to gain the jubilee is granted. Holzmann and Viva state this. Finally, for those traveling, the prescribed works are postponed until their return; and one is not obligated to postpone their journey (understand, if they cannot conveniently postpone it); as stated by Holzmann, ibid., along with Gobius and Croia, number 4434, who correctly extend this to those who have not yet gained the jubilee during the first week, but could have done so. Lugo, 27th part, number 426, also states that if someone arrives at a place where the jubilee is proclaimed while traveling, they can begin the works there and continue them on their journey.

Question 10: Is a mental prayer, and a brief verbal prayer, sufficient to fulfill the prayers prescribed during the jubilee? The more common opinion, as stated by Croia, number 4424, and Holzmann, number 648, requires a verbal prayer, because the Church, being sensible and external, when it commands prayer in its own name, intends an external act of prayer. However, Mazzotta, volume 1, page 244, and Viva, question 8, article 5, number 7, along with Navarrus, Fillon, the Trullan Council, and the common opinion, state that a mental prayer is sufficient. Lugo, 27th part, number 441, considers it probable, because mental prayer is true prayer; and although the Church cannot prescribe purely internal acts, it can nevertheless command them as a means to the jubilee.

[*Latin ed. p. 384*]

It is profitable to consider this matter. Whether a brief, spoken prayer is sufficient? Suarez, d. 52, sect. 8, n. 9, and Mazzotta, in the same place, with Fill., Bossuet, Diana, and Leander, apud Concina, p. 451, n. 38, affirm that any prayer is sufficient to fulfill the condition for an indulgence. However, Concina, in the cited place, and Holzmann, and Viva, in their collections of ecclesiastical decrees, state that some prayer is required, namely, five "Our Fathers" and "Hail Marys," as Mazzotta says; or six, with the Creed and the Glory, as Sporer says, n. 174; or seven "Our Fathers" and "Hail Marys," as Holzmann says, n. 648. Furthermore, note what Pope Benedict XIV presented in the cited constitution, § 83, saying: "A brief prayer, offered

with a sense of fervent piety, can suffice; but, in most cases, the brevity of the prayer arises from a moderate degree of devotion." Therefore, we have declared that a spoken prayer, offered with piety, is sufficient to obtain the jubilee, and we praise him who prays with mind and spirit; provided that some spoken prayers are added to that mental prayer. Thus, it appears that the Pope admits that, when a mental prayer is made, it is sufficient to add a spoken prayer, even if it is not particularly noteworthy. It should be noted that several grave authorities teach that, for the visit to the church prescribed, it is sufficient to pray before the door, or in the cemetery, if, due to the multitude of people, one cannot enter; thus, Suarez, dist. 52, sect. 1, n. 7, and Bonacini, dist. 6, q. 1, p. 5, n. 26, with Rodriguez, Cordoba, Graff, etc. Moreover, Mazzotta, vol. 4, p. 247, and Croiae, n. 1433, with Lugo, add that if one prays before the door of the church, when it is closed, it is sufficient.

Question XI: Is any amount sufficient for the alms given in the jubilee? In this matter, the words of the indulgence must be carefully considered; for if it says: "As much as is possible for each according to his ability," then the amount must be proportionate to each person's ability, so that it is sufficient for a poor person to give a single coin, but not for a rich person. If, however, it says: "As devotion suggests," or "as much as each person judges to be appropriate," then Paschasius, q. 143, says that alms should be given according to each person's ability. But Father Theodorinus à Spirito Santo, in his work on jubilees, c. 6, § 5, n. 2, holds that even a very small amount is sufficient. Finally, if it is simply said: "Whoever gives alms," it must be distinguished whether the Pope requires it only to exercise mercy towards the poor; in that case, any amount is sufficient (as the aforementioned author says, with Suarez, Cordoba, and Leander); otherwise, if the alms are offered in support of some pious work, the same author says, with Passerini, in his "Economia Domestica" and D. Th. Supplem., q. 25, art. 2, ad 3, where he expressly teaches this.

It is doubted: 1. Are the poor obliged to give alms in order to obtain the jubilee? Navar and Leander, apud the same author, n. 4, deny this. But the same author, and Viva, qu. 8, art. 6, n. 2, with Bossuet, Gobius, and Paschasius, affirm this, because no one is so poor that he cannot give at least a single coin. For religious, family members, and wives,

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And for servants, it suffices that alms be given to them by their superiors, with the servants being aware of this; thus Lugo, Dist. 27, n. 145. Viva, loc. cit., and Sporer, p. 264, n. 280. If the superior is unwilling to give, Bossuet and Diana, apud Vivam, state that the subordinate may take from him; but Viva considers it better to seek a change of situation.

Question 2: Does one gain a jubilee indulgence by giving alms to be distributed, if those alms are not subsequently distributed, or are distributed after the time of the jubilee? Lugo, Dist. 27, n. 442, and Sporer, n. 480, deny

this, as does Viva, q. 9, art. 6, n. 3, with Bon. Cord. Rodr., etc., because the prescribed work is lacking, or is not completed within the prescribed time. However, Savio, in "Indulgentia," and Vega, Lezana, and Pasq., apud Vivam, affirm that, by equity, it is presumed that the Pontiff is satisfied, as that person has, as far as it pertains to him, relinquished dominion over the given thing. Lugo, n. 443, and Sporer, n. 481, grant that one is not excluded from an indulgence who has given alms to a feigned poor person.

Question XII: Does one satisfy the requirements for a jubilee by fulfilling fasts prescribed for others, from a vow? Sporer, p. 264, n. 168, and Lugo, Dist. 27, n. 440, affirm this, with the common opinion, as asserted (but, as we shall see shortly, without merit); because the same work can satisfy both precepts. However, Sanch., "Decr.," lib. 1, c. 14, Sylv., "v. Indulgentia," q. 6, Tab. q. 10, Arm., §. 16, and Viva, q. 8, art. 1, n. 2, F. Theod., c. 10, a. 6, and Passen., qu. 41, object, because one solution cannot satisfy two burdensome debts, as is the work, or condition, imposed in the Indulgence. And thus, it is held today, according to the statements of N.P. Benedict XIV, in the constitutions cited above. See supra, n. 536.

CHAPTER II. CONCERNING THE MINISTER OF THE SACRAMENT OF PENANCE.

Doubt I: Who is the minister?

449 Confessors require approvals and jurisdictions.

449 In a case of necessity, is there an obligation to confess either publicly or privately? Is it true that a cleric or laic, in articulo mortis, may be dispensed from censures if a priest is lacking?

451 However, no priest is validly dispensed, unless he is approved, or is a parish priest. 539.

Response: The priest is one who is approved by the Bishop (at least with respect to secular matters) and who has jurisdiction. This is certain. The reason for the first part is taken from John 4: "Receive the Holy Spirit: whose sins you remit, are remitted..." The reason for the second part is taken from the Council of Trent, Session 23, c. 15, "de Reformat.," where it is decreed that no one can hear the confessions of laypersons unless he has a parochial benefice, or an approval from the Bishop.

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Purpose. (This is relevant because of the condemnation inflicted by Alexander VII on propositions 43 and 46.) I have added, with respect to secular matters, because the Council seems to have noted nothing concerning the confessions of Religious; hence, any individual, even one not approved, whom a prelate appoints, can hear confessions; understand, as far as the Council allows. For Gregory XV established that the confessor of nuns must be approved by the Ordinary. The third part is from Florence

and Trent, *loco citato*, because absolution is a judicial act that requires subjects. Therefore, resolve: 540. — "4. In no case, nor by dispensation, is this sacrament validly administered by a non-priest." The Master of Sentences stated in the 4th Dist., 17th, that in a case of necessity, a faithful person should confess to a layperson; and this is supported by D. Th. Suppl. Quest. 8, art. 2, ad 4, which says: "When necessity looms, the penitent must do what is within his power, namely, to confess and to confess to whomever he can; although this person cannot complete the sacrament..., nevertheless, the Supreme Priest makes up for the priest's deficiency." However, this must be understood not to be a matter of precept, but of counsel, to stir up contrition, or to obtain solace or advice, as Wigandt states, *tract. 13, n. 62*; Laym., chap. 40; Salm., *de pæn.*, chap. 11, p. 1, n. 3; Croix, n. 1482, and others, *passim*. However, St. Antoninus, Ang., Henr., Candidus, Panorm., Led., etc., state in Salm., *de censur.*, chap. 2, p. 4, n. 47, and it is considered probable by Sanch., lib. 2, Dec., chap. 13, n. 13; Croix, n. 1483, and Diana, p. 3, *tract. 4, resp. 123*, with Led., Valer., Lacrux, etc., that a cleric, in the absence of a priest, and a layperson, in the absence of a cleric, at the point of death, can, by presumed concession of the Church, absolve from censures, so that the sick person is not deprived of burial and suffrage. But it is more probable that this is generally denied, both of the layperson and of the cleric; thus, Conc., p. 552, n. 40; Lugo, dist. 18, num. 7; Croix, *loco citato*; Salm., *ibid.*, n. 48, with Avila, Pal., Sayr., Corn., and Villal.; also, Laym., Con., Suar., Soto, etc., apud Diana. The reason is that this is granted to no one but priests by law, and it has never been introduced into the Church contrary to custom. Especially since, in this case (as stated in the Ritual), if an excommunicated person dies with the sign of penance, his body can be absolved by one who has the power over that excommunication. 544. — "2. Where it is received, as at Trent (contrary to what is held elsewhere), that no priest, even a Religious, validly absolves, unless he is approved, or is a parish priest; to whom, not only within, but also outside his diocese, valid jurisdiction can be delegated, and he can be chosen as confessor by anyone who has the power to choose, as long as he retains the parish." Thus, Filisue, t. 1, c. 7; Fagund; Suar; Diana, p. 3, t. 4, r. 146. (But see what is said in nos. 544 and 565 regarding this.)

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DOUBT II. What is approval, and from whom should it be sought?

542. What is approval?

543. Is it permissible for a simple priest to hear the confessions of venial sins?

544. Doubt 1. Can a parish priest admit a fellow priest as a cooperator from another diocese? Doubt 2. From the same diocese?

545. Should an approved confessor, or a parish priest, be chosen? Is ap-

proval sufficient without examination and without internal judgment?

546. Is approval sufficient if it is requested and denied?

547. From which Bishop should approval be obtained?

548. This question is resolved by the bull of Innocent XII.

549. Can religious confessors approved in one diocese hear confessions in another?

550. Other matters to be avoided concerning Busemb.

551. Is an unjust revocation of approval invalid?

552. Can a Bishop, for a just cause, re-examine approved confessors, or revoke or restrict their approval?

553. Decrees of Benedict XIV concerning the confession of accomplices in a heinous sin?

554. What is meant by the term "heinous sin"? Does it refer to internal sins? Or to doubtful matters?

555. Is absolution given to an accomplice valid with regard to all sins?

556. Question 1. Does one incur a papal censure who hears the confession of an accomplice but does not absolve him? Question 2. Can a Bishop, or his delegate, with the authority of the Council of Trent in chapter "It is permissible," absolve a confessor who has given absolution to an accomplice in a heinous sin?

542. — ANSWER 4. Approval is not the granting of jurisdiction, but rather a public judgment concerning the suitability of a person to hear confessions, which is an essential prerequisite (assuming the law of Trent) for receiving jurisdiction. Thus, Sanch. lib. 6. de matr. d. 28 et alii. Therefore, it is resolved: Although doctors and licentiates, by virtue of their advancement, are considered by some to be approved by the Pope, as noted by Sa, at the word "Confessor"; it is more probable that they also require approval (and this is now certain from the bull of St. Pius V, apud Salm. de pæn. c. 14. p. 7. n. 94, even concerning regular prelates). It is not improper for them, or for readers in theology, to be examined. (Provided they have read Moral Theology.) 2. Even a parish priest who has left his parish benefice must be approved if he wishes to hear confessions.

543. — 3. This approval is not required for hearing confessions of venial sins, as taught by Dian. p. 2. t. 2. misc. res. 44, and Valer. The reason seems to be that approval is only required in order to obtain jurisdiction; but every priest, for both venial and mortal sins, from which someone has been duly absolved, has jurisdiction granted by the Church itself.

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ordination, and therefore, absolve them, as Bonaventure teaches in *d. 5. quæst. 7. p. 2. n. 8*, and Vasquez, Suarès, Cardinal Lugo in *d. 48. sect. 3. d. 21. n. 4*, where they teach that, by decree of the Church, that which

is not approved by the Council of Trent is rendered incapable of jurisdiction, except in matters pertaining to mortal sins, not before confession. The question arises: Is the confession of venial sins made to a simple priest illicit, and invalid? It is now certain that it is illicit, due to the decree of Innocent XI concerning daily Communion (this decree is cited extensively by Bonaventure), issued on February 12, 1679. Not only was it forbidden for Bishops to allow confessions to be heard by priests not approved by the Bishop, but it was also forbidden to the priests themselves, with these very words that follow immediately: "If any priests act otherwise, let them know that they will have to give an account to God." But is such a confession invalid? The most common opinion denies this, and this is held by Salm in *de pænit. c. 44. p. 2. n. 8*, with the consensus of Holzmüller, *n. 681*, Viva, *q. 8. art. 1. n. 6*, Palafox, *p. 43. n. 5*, Croÿ, *n. 1489*, Lugo, *d. 48. n. 41*, Suarès, *d. 26. sect. 5*, and Elbel, *p. 298. n. 329*, along with Mastrini and Henricus, etc. But from whence do simple priests derive this jurisdiction? The authorities disagree; Palafox, Capreol, Canus, Ledo, and Vasquez, in Lugo, say that they derive it from Christ the Lord, because venial sins are not a necessary matter; therefore, it is believed that Christ has not subjected their absolution to the power of the Church. Others say that they receive jurisdiction from the Church, as Viva, Roncaglia, and Lugo state, along with Suarès, Bonaventure, and Henricus. The second opinion, held by Concinius, *p. 544*, and Platina, along with others cited by Croÿ, affirms this, and I consider it quite probable. For, granted that simple priests do not have jurisdiction from Christ, but from the Church, as stated above, it cannot be presumed that the Church today, after the decree of Innocent, wishes to grant them jurisdiction, when it expressly forbids them to exercise such jurisdiction.

4. Parishes cannot admit assistants, unless they are priests, or those approved, as stated by Fagius, *p. 2. l. 7. n. 42*, and Sanchinius, etc., from the declaration of the Cardinal against Ledesma and others. See Dian, *p. 3. t. 4. res. 146*, and Bonaventure, *d. 5. q. 7. p. 4. §. 1*. Here is a doubt: Can a parish priest call a priest from another diocese to hear the confessions of his parishioners? The first opinion affirms this, and this is held by Palafox, *p. 17. §. 2. n. 7*, Lugo, *d. 21. n. 21*, Concinius, *p. 540. n. 3*, Viva, in proposition 16, condemned by Alexander VII, *num. 44*, Wigandt, *tract. 43. num. 68. r. 42*, as well as Suarès, Vasquez, Aversa, etc., cited by Croÿ, *n. 1537*. The reason is that the parish priest is considered approved for the entire Church, as it seems to be inferred from the decrees of the Council of Trent, session 23, on Reform, chapter 15, which says: "No one can hear confessions..."

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To hear confessions, and it is not considered suitable to do so unless one holds a parochial benefice, etc. From this, it is inferred that the holding

of a parochial benefice was established by the Council of Trent for universal approval. The second opinion, which I prefer to adhere to, denies this, and is held by Barbosa in *Tridentinæ*, book 1, number 49, by N. S. S. P. Benedict XIV in *Notificatiunculis*, number 86, number 7, and by Croico in *loco citato*, with Laym, Garzia, Homobono, and Piasecki. The reason is that a parish priest is not approved by the universal Church, but only by his Bishop, for his own diocese, and according to the Bishop's will. This opinion is further strengthened by a declaration of the Sacred Congregation, cited by Pitton in *De Parochiis*, number 814, dated January 19, 1644, where it is stated: "A parish priest of one diocese cannot hear confessions without the permission of the Bishop of that diocese." And from another declaration, cited by Monacelli, volume 4, page 16, number 472, dated December 3, 1707, in response to the question: "Can clerics of one diocese, called by parish priests of another diocese, hear confessions in that diocese without the permission of the Bishop?" The Sacred Congregation responded: "Affirmatively, for subjects, negatively for others." Question 2: "Can a parish priest called by another parish priest of the same diocese hear confessions in that parish?" The aforementioned authors affirm this, as do Bonec, book 5, question 7, page 4, section 4, number 23, and Croico, number 4536, with the common opinion; indeed, Palaus and Mazzotto call this the common opinion. But Barbosa holds the opposite opinion in *Tridentinæ*, book 1, session 23, chapter 15, number 49, with Homobono and Piasecki in *Praxi Episcopalis*, page 2, chapter 4, number 10, based on another declaration of the same Sacred Congregation, which Barbosa and Piasecki cite, where, in response to the question: "Must a provision for a parochial benefice be approved by a competent judge, so that the minister is deemed suitable to hear confessions in that diocese in which he holds that parochial benefice?" The Sacred Congregation responded: "The judge is authorized to hear confessions only in that city or town where the parochial benefice is located, but not throughout the entire diocese." And the reason for this opinion is that, as we have said, a parish priest is not approved by the Church for the universal Church, but only by the Bishop, according to the Bishop's will; therefore, unless it is established otherwise that the Bishop has a different will, the parish priest is considered approved only for the parish to which he is assigned; for the Bishop may judge someone to be suitable for one place, and not for another. Bonec, in *loco citato*, number 42, and Clarient in *De Pænitentia, decisionibus*, number 37, number 42, correctly state this, and this is also admitted by Benedict XIV in the aforementioned *Notificatiunculis*, number 86, number 13, that the opposite opinion may hold in those places where there is such a custom that it confers jurisdiction. Indeed, Wigandt, in *Tractatu*, number 13, number 89, approves the first opinion, as he claims, based on the practice of 554 dioceses. — 5. He who has the power to choose a confessor, cannot choose, unless he approves, or a parish priest. * 6. For approval, an examination is

not necessarily required, provided that...

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Let judgment be rendered concerning its sufficiency. Council of Laym. • (And although the Bishop inwardly disapproves, eternal approval is valid for conferring jurisdiction. Salm. de pænit. cap. 41, p. 7, n. 90 and 91.) 546. — • 7. It is not sufficient that approval be requested and denied, as is commonly taught against Nav. Henriq. and Diana, p. 1, vol. 2, res. 24. Although Coninck and Laym, and the Regular mendicants, have probably taught this, if they are repelled by the Bishop, although manifestly suitable, and presented by their superiors, they may nevertheless be admitted to hear the confessions of seculars, as is stated in Clementina. However, it is noted by Lugo de pænit. d. 21, n. 29 and 51, that Trid. and Urban VIII, in the year 1628, revoked these privileges. • (Therefore, the opinion of Laym. and the Council is today improbable; especially after proposition 13, condemned by Alexander VII, which stated: It suffices for the precept of annual confession, that one confesses to a Regular, presented to the Bishop, and unjustly disapproved by him. However, the privilege pertains when jurisdiction is unjustly denied, and not when approval is unjustly denied, which is now necessarily required by the new Tridentini law, as rightly stated by Salm. de pæn. c. 41, p. 7, n. 95, with Lugo.) 547. — • Resp. 2. Approval must be obtained from the Bishop, and indeed, from the proper Bishop, that is, a priest, as understood by Suarez, Conin. Regin. Filliuc. and others; or, as Vasq. probably intends, from the penitent. The reason is that it is an act of jurisdiction, or at least an authoritative declaration; therefore, it must be performed by a superior. Furthermore, by the name "Bishop" are also understood prelates who have episcopal jurisdiction, such as certain abbots, and chapters, when the See is vacant, but not Provincials or Generals of Orders. • (A confirmed Bishop, even if not yet consecrated, can rightly approve, because he already has jurisdiction. Otherwise, if he is only elected, and not confirmed; or if he has renounced the episcopate, because then he lacks jurisdiction. Salm. ibid. n. 96, with Lugo, and Croiæ l. 6, p. 2, n. 1495.) 548. — It is asked, from which Ordinary should approval be obtained? There are three opinions: The first opinion teaches that it should be obtained from the Ordinary of the penitent; because it pertains to him to whom the penitent wishes to commend his flock, and to grant jurisdiction with regard to them. Thus, Vasq. apud Busemb. here, who calls it probable: and thus, many DD. apud Suar., as testified by Salm. ibid. n. 99. Hence, Salm. ibid. near the end, holds that a confessor approved by the Bishop of the penitent can receive his confession in another diocese, if he travels there, without the approval of the local Ordinary. This is called not improbable by Croiæ l. 6, p. 2, n. 1516, at least (as he says) for a parish priest, or confessor of nobles, who, with respect to them, is considered a parish priest. But with regard to the parish priest with respect to his subjects, Salm. d. l. p. 3, n. 55,

rightly affirms, according to common opinion, and according to a decree of the Holy See.

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n. 544. (1). Regarding the delegate, it is also said from Lugo, Suarez, etc., that this delegate can absolve those subject to him, wherever he finds them. And so also holds Busemb, with Suarez, Henry, Sanchez, and others. The second opinion teaches that the approval of the Ordinary is required for the priest. Thus, Bonaventure, in *De Paenitentia*, disputation 5, question 7, point 4, section 4, numbers 45 and 46, and Viva, in *De Paenitentia*, question 8, article 3, number 3, with Consentius and Lugo, etc., and thus Suarez and Palearius, in Croix, book 1, number 1516. The reason is that approval, being an act of jurisdiction, cannot be exercised except over those who are subject to it. But Bonaventure and Viva, in the aforementioned works, correctly explain this opinion with Palearius, in Salmeron, *De Paenitentia*, chapter 14, page 7, number 99, and state that it is sufficient if the priest who is to grant absolution, even if he is from outside, becomes subject to the Bishop who is granting approval, either by reason of domicile, or at least by reason of residence at that time; thus also Busemb, here. And indeed, such is the universal practice. The third opinion, which Croix, in the aforementioned work, number 1516, and Cardenal, with Navarret and Barbos, and many others, in Salmeron, ibid., number 96, consider to be the most probable, teaches that, according to common practice, absolution should be sought from the Ordinary of the place where confessions are heard. It does not, however, contradict to say that jurisdiction over penitents is not granted except by the Bishops themselves. For, simply by the fact that someone wishes to confess in a certain place, with regard to that, he becomes subject to the Ordinary of that place; or at least this is true by universal consent, or by the tacit approval of the Bishops, from whom jurisdiction is presumed over their own flock, so that any priest approved by the Bishop of the place where the confession is heard, can grant absolution. Thus, Viva, in *De Paenitentia*, question 90, article 3, number 5, at the end, and Salmeron, ibid., number 99. And this last opinion is certainly to be held today, as stated by Roncaglia, in *De Sacramento Paenitentiae*, chapter 4, question 6, based on the bull, "Cum Sicut," of Innocent XII, issued in the year 1700, on April 49 (related extensively in Salmeron, *De Privilegiis*, chapter 4, page 2, section 4, number 80). In which it was decreed: "That secular and regular confessors, whoever they may be, in order to be valid, cannot hear confessions without the approval of the Bishop of the place where the penitents reside, and from whom they choose their confessors. And it is not sufficient to have obtained approval once, or several times, from other Ordinaries of other dioceses, even if the penitents of those Ordinaries who have approved such confessors are subject to them. Then the Pontiff declares other confessions to be invalid,

and suspends the confessors, etc., reprobating as false and rash any opinion to the contrary." And it is clear from the same bull that the Pope spoke from the chair, as shown by Salmeron, *De Privilegiis*, chapter 4, page 2, section 4, number 81. The bull of Innocent was subsequently confirmed by the Supreme Pontiff Benedict XIV, through another bull, which begins, "Apostolica," etc. Mazzotta, in *De Paenitentia*, disputation 2, question 1, (1), writes: "It should be noted that it is very probable that a parish priest can hear the confessions of his subjects wherever they may be; and on this point there is a declaration from the Sacred Congregation, from *Homo Apostolicus*, book 1, number 16, number 79, edition."

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c. 3. §. 4. These aforementioned bulls eliminate the possibility of the first opinion of Suarius, etc., as mentioned above, because it states that the bull of Innocent was issued due to complaints from the Bishops of Portugal, because their subjects were choosing confessors without their permission, through other approved Ordinaries, even if those other Ordinaries opposed it, or revoked the approval. Therefore, it is said that the opinion that a secular confessor approved in one place can absolve the subjects of that place who are traveling in another diocese was condemned. But I do not agree with this opinion; for, first of all, I find that the title of that bull of Innocent is described as follows (according to Salm., loc. cit., no. 88): "Declaration of Our Most Holy Lord Innocent XII, Pope..." He asserts, with condemnation, that such a power does not exist, even if the confessor is not approved by the Ordinary of the place where the confessions take place. Note the place in which, etc. Then, in the bull itself, as mentioned above, the Pope declares that no confessions are valid that are made without the approval of the Bishop of the place where the penitents reside. What could be clearer? But if, even with the privilege of the Bull of Cruciati, the approval of the Bishop of the place is required, how much more so without that privilege? True, Salm., ibid., no. 441, against Roncaplia, cap. 4, q. 6, says that the opposite opinion was not condemned by this bull, if one had a privilege of a different kind than that of Cruciati, such as a jurisdictional privilege, or something similar. But this is contradicted by the bull of Benedict XIV, which begins with the words, "Benedictus Deus," where it is stated that the faculty is granted, in a jurisdictional manner, to both secular and regular clergy to choose a confessor from among those approved by the Ordinary of the place, while nuns may choose a confessor for themselves, but only from among those approved for hearing the confessions of nuns in that place, even if it is for other monasteries. 549. — « 4. Religious, even those exempt, must be approved by » the Bishop of the place where they reside, because his » subjects are those under his jurisdiction for this act. And this is certain from the Brief of Innocent X, according to Salm., de pæn., c. 44, p. 7, no. 97, where the Pope states: "Regular clergy approved in one diocese

cannot hear confessions in another without the approval of the Bishop of that diocese." The same Pope states this in the bull Apostolici ministerii (confirmed by Benedict XIII through another bull appended to the end of the Roman Council), where it is stated: "We declare that priests, both secular and regular, who have obtained from Bishops the faculty to add confessions, either with respect to place, or to the type of person, or to time, cannot administer the sacrament of penance outside of that time, or place, or type, no matter what privilege they may have, which will not be of any avail in virtue of the Bull of Cruciati." 550. — « 2. The Bishop cannot approve a priest from another diocese in his diocese, unless that priest is subject to him, at least temporarily. 3. The Bishop can approve through himself, or through his general vicariate, or

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Others, whatever they may be, are to be avoided; for it is not an act of the Order, but of jurisdiction. (See n. 588.) 4. Approval can be granted with a restriction to a certain type of person, place, time, etc. *Nav. Suar. Vasq. contra Vegam*. 5. The bishop sins if he denies approval to a priest (especially a religious) who is suitable, without a sufficient reason. *Bonac. Vasq. art. 3. d. 3. Card. de Lugo d. 29. sect. 3. n. 34. Sanch. etc. 551*. 6. Once approval has been granted absolutely, it is not only not extinguished by the death of the grantor, but it cannot be revoked without a just cause: although, for example, due to a change in circumstances, a judgment, etc., it may be revoked, as taught by Suar. Fill. and others. However, if it is revoked without a reasonable cause, then, according to Conin. Suar. and some others, the revocation is null. (And this is considered highly probable by Lugo *de pœnit.* d. 29. n. 64. Pal. *de pœnit.* p. 18. §. 4. n. 6. Salm. *de pœnit.* e. 11. p. 7. n. 107, with Dic. Ratio, because, as they say, the bishop does not seem to be able to take away what has already been acquired by the confessor. Pag. objects to this, when he says that if the bishop approves according to his own pleasure; but Palus does not admit this, because it must always be understood as being according to just pleasure. However, I consider this opinion to be highly probable, because the injustice of the revocation should be more clearly evident, and there should be no risk of any illusion; but this can happen, because there may be many reasons that are just with the bishop for revoking the approval, which the confessor may be unaware of;) others consider it to be only illicit. Fill. t. 8. cap. 9. quæst. 12. However, in cases where it is doubtful whether the revocation has been made for a just cause, it should be presumed in favor of the prelate, as taught by Card. de Lugo n. 67. 552. 7. For a just cause, especially by the successor of the bishop, they can be called for examination, not only seculars, but also regulars. However, some teach that the Mendicant Orders have the privilege of not being able to be revoked by the same person who previously approved them; but Suarez and Lugo d. 21. n. 64. and 62.

teach the contrary. (And this opinion is now entirely to be held, because Alexander VII. (as reported by Cabassut. T. J. lib. 4. cap. 10. n. 43.) in the case of the Bishop of Angers, and the Regulars of the Society of Jesus, and other Orders, condemned the following proposition on January 30, 1659, as rash and erroneous, which stated: Bishops cannot limit or restrict the approvals they grant to Religious for hearing confessions, nor can they revoke them in any way. The bishop is not required to give an account for such a revocation, as stated in Cabassut. T. J. l. 1. c. 10. num. 14. by the Most Christian King with the advice of the Council of the Kingdom on March 4, 1669. And when the approval is limited by the bishop with regard to place, time, or persons, the confessor, whether secular or regular, cannot use it in any other way, even if it is a sweet privilege; so it was declared in the bulla. Apo-

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Regarding the pontifical ministry, a decree was issued by Clement XII, which applied to Spain, and was subsequently confirmed by Benedict XIII throughout the entire world, as stated by Benedict XIV in the bull, *Apostolica Indulgentia*, section 8. Some doctors argue that a priest approved by one bishop can exercise jurisdiction in another diocese without new approval; and although both opinions may have seemed probable at one time, after the decree of Urban VIII in 1628, near Lugo, on the 21st, section 2, number 9, the negative opinion must be strictly adhered to. See Avers., question 16, section 8.

(It is also certain, as evidenced by the brief of Innocent X and the bull of Innocent XIII, as mentioned in number 549. Furthermore, it should be noted that St. Pius V, in the constitution of Rome, stated that regular clergy approved by a predecessor bishop can be re-examined by his successor, and if they are found to be unsuitable, they can be rejected. From this, Sylvester, Miranda, Fagund, and others, as cited by F. Ferraris, infer that a Vicar Capitular cannot summon regular clergy for examination, nor can he deprive them of the ability to hear confessions, unless permission has been granted by the bishop; in our opinion, this permission expires with the death of the bishop.) 553.

— It is important to note here two decrees of our Holy Father, Benedict XIV, *Sacramentum* and *Apostolici Muneris* (see at the end of this work), in which it was declared that a confessor completely lacks jurisdiction to absolve a sin committed in adultery, which is a grave offense against the sixth commandment, and that he incurs a papal excommunication if he dares to hear the confession of someone committing adultery. However, an exception is made for cases of extreme necessity, namely, at the point of death, in which it is permitted for him to absolve the adulterer, provided that no other person, even a simple priest, is available to grant absolution; unless that priest cannot be called or summoned without grave infamy or

scandal; however, the confessor must strive to avert such dangers of infamy or scandal, if he can, under the same penalty of excommunication, even though he would then validly absolve, if he did not avert such dangers. 554.

— Regarding this decree, it should be noted that any external sin of a grave nature against the sixth commandment is considered a "turpis peccatum" (shameful sin), even if it is only a touch or conversation, as I certainly believe, along with many learned doctors to whom I consulted on this matter, although some unjustly raise doubts about this. And Salm. agrees in *Tractatus*, 6, *Appendix de Bulla Cruciatae*, chapter 6, page 4, section 2, number 282, against those who said that the bull should only be understood in relation to consummated adultery. Our reasoning is: 1. that general words should be understood generally; 2. that even penal laws should be interpreted in their proper and natural sense, and in the natural sense, the words of the bull, "in peccato turpi atque inhonesto contra sextum præceptum" (in a shameful and dishonorable sin against the sixth commandment), undoubtedly include all shameful sins; 3. that the purpose of this law is to remove opportunities, not only for adultery, but for all forms of impurity, from the sacred tribunal.

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Concerning penance. On the contrary, sins of slight importance, or those committed out of ignorance or inadvertence, or by consent, are not included, because venial sins are not subject to the obligation of being confessed; thus, Salm. ibid. n. 271. Likewise, they rightly state, ibid. n. 278, concerning purely internal or not fully externally manifested mortal sins: therefore, a sin will not be reserved, even if it is grave internally, if it is not grave externally, as they say ibid. n. 279. They add ibid. n. 280, citing Suarez, *Disputationes de Anaclisis*, that mortal sins that are doubtful are not reserved, either due to doubt about the fact itself or about the law, because those who are superior do not seem to wish to reserve doubtful cases, unless they expressly declare it; and this is according to the common opinion, which we will present below in n. 600, verse 1. Salm. cited, n. 280, also holds that if there is doubt as to whether the penitent has committed a grave sin, even if the confessor believes that a mortal sin has been committed, the sin is not reserved; because the bull is to be understood as referring to a formal accomplice in a shameful mortal sin, as they stated previously in l. c. n. 244, 555.

Note II: It seems to me that absolution granted by a confessor to an accomplice is invalid, even with regard to mortal sins, if the accomplice has not yet been absolved by another from the shameful sin, and confesses it to him. I infer this from the words of the same bull, where it is stated: And therefore, the absolution is null and void. However, I believe otherwise if the person has already been absolved from the shameful sin, because then

the suspicion of complicity ceases, since the Pope seems to have taken away the jurisdiction of the confessor. Salmant. Append. cited, n. 277, also says that the same applies to a mortal sin committed and legitimately confessed before the promulgation of the bull, because the law does not apply retroactively, as taught by P. Suarez.

Question 4: Does a priest incur this excommunication if he does not absolve an accomplice, but only hears his confession? On this matter, I consulted the Sacred Penitentiary, which on July 9, 1754, responded absolutely: The aforementioned excommunication is not avoided by the priest who, through a pretense of absolution, does not absolve the accomplice. And I have already adhered to this opinion; but later, when I reviewed the constitution of the same Pontifical, Benedict XIV, I found a sufficiently clear statement to the contrary, as is evident from the following words: The priest who, even outside the article of death, receives the confession of a penitent and absolves him, or who absolves him in the article of death, when another priest is present, is subject to the greater penalty of excommunication imposed by us in our constitutions.

The question arises: Can the Bishop, by virtue of the concession in Trent (Tridentini) in chapter 6, session 24, absolve the confessor who has granted absolution to an accomplice in a shameful sin? It seems to me that this should be denied; for if the Bishop or another delegated by him could absolve this case, when it is hidden, the reservation of the Pope would be useless and illusory; for this case can only be brought to his attention secretly:

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But when some later law (as the learned Fagnan rightly states in chapter "Non nulli," regarding rescripts, with Oltrad.) cannot have effect, unless the privilege granted previously by the same superior authority is repealed, it must necessarily be understood that the general derogation of the privilege is intended, lest the law become futile. And the same is the opinion of Dian, page 7, treatise 2, reason 21, along with others, saying thus: "If a general clause (or some law) cannot be true, except in that single case, contrary to the council, this generic derogation should be considered as specific, having no effect on others." Nevertheless, it seems probable that, even with the faculty granted to Bishops by the council to absolve this case when it is hidden, the Pontifical reservation would not be entirely useless and illusory, because, although this case is ordinarily hidden, it can sometimes happen that it is public; and because the law of reservation would at least be valid in Rome, and in all other places where the Council of Trent is not accepted, and where the Bishops themselves do not possess this aforementioned faculty, as commonly taught by Suarez de censur., book 14, section 2, number 6; Sanch., Decisions, book 2, chapter 11, number 2; Salm., on penance, chapter 13, page 3, with Alter and Castrop, volume

4, treatise 4, book 4, page 3, paragraph 1, number 2, with Barbosa and Garcia; because the council's faculty is granted to them with a condition: it is not permissible for them to enjoy privileges if they avoid obligations. And the same is the opinion of Salmant, Appendix, treatise VI, on the bull Cruciatae, chapter 6, page 4, paragraph 2, number 300. And there, in support of this opinion, several authors who have recently written about the aforementioned Constitution, Sacramentum, are cited.

DOUBT III. What is the jurisdiction of the confessor, and from where does the Church obtain it?

557. What is jurisdiction, and who has ordinary jurisdiction?

558. Does the Vicar General have jurisdiction, even if the Bishop objects? And who can delegate this authority?

559. Does the delegation expire with the death of the delegating party?

560. Can heretics and excommunicated persons be validly absolved in articulo mortis (at the point of death)?

561. Can all priests absolve in articulo mortis, in a certain danger of death? And what kind of danger is considered to be such?

562. Can a simple priest absolve in the presence of an approved superior?

563. In what cases can he licitly absolve?

Doubt 1. Can any confessor absolve a dying person from reserved matters, even in the presence of a superior?

Doubt 2. In the case of death, to absolve from reserved matters to the Pope, must the Bishop be consulted?

Doubt 3. Is the dying person obliged to ask for absolution from a superior, at least by letter or messenger?

564. Can a tolerated excommunicated person absolve from venial sins? Can religious orders absolve without the approval of the Bishops? And can all priests approved by the Bishop hear confessions without the permission of the parish priest?

565. Who and how can one choose a confessor?

Doubt 1. How can Bishops and other prelates do so?

Doubt 2. How can Cardinals do so? And can parish priests?

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166 When can one who has delegated authority further delegate it? And what about a delegate to a university of causes? 867 If someone is absolved in death from reserved matters, are they then obligated to confess to their superior afterward? 866 See above. 869 From whom may scholars, soldiers, pilgrims, etc., seek absolution? Can chaplains absolve soldiers stationed in garrisons? 870 Is the presumed faculty of hearing confessions sufficient? 871 When is it permissible to absolve someone when there is doubt about the jurisdiction, or only a probable jurisdiction? 871 Q. I. Does a common

error confer jurisdiction? 875 Q. II. Is it permissible to administer the sacrament when there is only a probable jurisdiction? 874 Is there an obligation to confess to the parish priest? 875 Can itinerant religious order members confess to any priest? 876 Can nuns who request a special absolution and do not receive it, confess to anyone? 877 Further points to note regarding the confessors of nuns and soldiers in garrisons? 657. — R esp. Authority over another, as a subordinate, to whom, in the internal forum, distinct power is given, different from the power of the order, for this is given through the sacrament of order, and to every priest, and it cannot be taken away by an external concession of the Church; nor to all priests, and it can be taken away from them, and if it is not present, the absolution is invalid, according to the Council of Trent, Session 14, canon 7. There are two kinds: ordinary and delegated. Ordinary is that which is held by those who, by virtue of their own office, have care of souls, such as the Pope, a Bishop, a parish priest (here are included the Archbishops with regard to the subordinates of their own Bishops, only when they visit); Archpriests, Archdeacons, prelates of religious orders, a perpetual vicar of a Bishop, or even parish priests. 558. — It is questioned whether a General Vicar of a Bishop has ordinary jurisdiction even in the sacramental forum, so that he can hear confessions, and grant the power to hear confessions to others? The first opinion denies this, and Sato, Led. v. Archidiac. and a few documents apud Salm. de pæn. c. 41. p. 3. n. 42, hold this view. They say that the Vicar has ordinary jurisdiction only in civil matters, but in spiritual matters, he has delegated jurisdiction from the Bishop. They prove this 1. from the fact that when the Bishop dies, the Vicar's jurisdiction ceases. They prove 2. from the Council of Trent, Session 23, chapter 25, where it is stated that no one can hear confessions unless approved by the Bishop. The second opinion, however, is more common and truer, and is held by Azor. t. 2. l. 3. c. 43. Sylv. v. Confessio 1. q. 1. Fagn. in c. Quod nobis, de elendest. desponsat. n. 45. Salm. ibid. n. 43. with Gran. Aversa, Fill. Dic. Boss. and Sanch. de matr. lib. 3. d. 29. n. 48. with Host. Nav. Ang. Henr. Palac. Lop. etc. The reason is that the General Vicar, having been nominated by the Bishop, has ordinary jurisdiction both in civil and spiritual matters, not from the Bishop, but because the canon itself makes him one tribunal with the Bishop; as is stated in c. 2. de Consuetud. in 6. and cap. Romana, appellat. in 6. And.

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This is confirmed by the Council of Trent, Session 24, chapter 6, concerning Reforms, where, when the Council wished to exclude the Vicar from the power to absolve from heresy, it expressly stated: "Only to the Bishops (that is, to the Bishops), and not to their Vicars, is it permitted." Therefore, the Council of Trent implies that the powers of the Bishop, unless expressly restricted by law, are also understood to be conferred upon the Vicars.

To the first objection, it is replied that the jurisdiction of the Vicar ceases

with the death of the Bishop, not because his jurisdiction is not ordinary, but because, when the Bishop is absent, he himself ceases to be a Vicar.

To the second objection, it is replied that, in the aforementioned passage, the term "Bishop" also includes the Vicar, who (as we have said) forms a single tribunal with the Bishop. Delegated jurisdiction is that which is legitimately granted by one who possesses ordinary jurisdiction, and this may be done either tacitly or expressly, as by the Pope for the entire Church, by a Bishop for a diocese, or by a parish priest for a parish; with this distinction, that the Pope can grant without the consent of Bishops and parish priests, and the reverse is not the case. And although the external exercise of jurisdiction may cease with the death of the delegating authority, this internal jurisdiction does not cease, unless revoked by the successor, as taught by Sanchez, Suarez, Navar, and others. See Layman, book 5, chapter 10, number 22, page 559.

— Does a delegation expire with the death of the delegating authority? Distinguish between a general delegation and a particular delegation. A general delegation from the Pope is the common opinion and practice, and it does not expire with his death, as stated in chapter 9 of "De Officio Delegatorum," paragraph 6. Thus, Salm, in "De Poenitentia," chapter 14, page 6, number 78, and others, state this. Unless the concession was made in this manner: "Until our pleasure," or "At our discretion," and similar phrases. Salm, ibid., number 85.

However, a general delegation from a Bishop, some hold, expires with his death, if the confession has not yet begun, as stated by Vasquez, Sylv., etc. Others believe that it does not expire until it is revoked by the successor, or the prescribed time has elapsed; this is the more common and probable opinion of Sanchez, in "De Matrimonio," book 8, part 28, number 72, and by Palafox, in "Tractatus," book 3, part 4, page 16, paragraph 4, number 3, and by Salm, in "De Poenitentia," chapter 14, page 6, number 80, and by Suarez, Lugdunum, and others. And this is confirmed by practice and the general rule that benefits conferred do not expire with the termination of the jurisdiction that granted them.

If, however, the delegation was particular, that is, only to hear the confession of a particular person, then, as Salm, ibid., number 84, and Sanchez, Lugo, etc., hold, it expires with the death of the granting authority, unless the confession has already begun.

— "Furthermore, any priest, even one who is excommunicated or degraded, has, by common law, the power to absolve anyone from all sins, in articulo mortis, or in the hour of death (for these are considered the same in law, as can be seen in Diaz, book 3, treatise 4, reasons 57, 71, and 72), if another is absent." (As Sanchez, in "Decreta," book 2, chapter 43, number 5, states, along with Zambrana and others. But see what will be said shortly.)

Question I. Can heretics, schismatics, and excommunicated individuals

validly absolve in articulo mortis, if another is absent?

[*Latin ed. p. 399*]

The first opinion affirms, and this is held by Nav. Man. c. 27. n. 272, Sanch. Dec. l. 2. c. 13. n. 5, and Salm. ibid. p. 2. n. 20, along with Suar. Vasq. Palud. Lugo, Soto, Sylv., etc. They prove this from the Council of Trent, Session 14, chapter 7, where it is said: "It has always been safeguarded in the Church of God that there be no reservation in the article of death; and therefore, all priests can absolve any penitents from any sins and censures." The second opinion, which is to be followed, denies this, and this is held by S. Th. 2. p. q. 82. a. 7. ad. 2, where, speaking of the aforementioned exclusions from the communion of the Church, it says: "They can lawfully be baptized in an hour of necessity, but in no case can they lawfully consecrate the Eucharist, or administer other sacraments." It does not object that the Doctor says, "in no case... lawfully," but not "invalidly"; for in our case, "illegitimately" is the same as "invalidly"; for if an excommunicated person, to be avoided, could validly administer the sacraments to a sick person in articulo mortis, he would certainly be obliged to administer them (especially the sacrament of penance) by divine and natural law, to which a human precept of the Church could not obstruct. The same is said by Fagnan. in c. Non est vobis, de sponsal. etc., throughout; Petroc. t. 4. p. 458. qu. 8; Auctor. ap. Croia de Offic. confess. l. 4. c. 4. v. Dico 2; Conc. p. 576. n. 24 (who calls this opinion more probable, although he considers it not improbable that the opposite is true), and others, as will be seen below, who wrote before the Council, at a time when, as Navarrus himself admits in his work, our opinion was the common one. The reason is that (as we say in n. 262, v. Id clarius) the Council, in the aforementioned chapter 7, speaks very little about simple priests, but about those who lack jurisdiction in reserved cases, and who do not lack this in the article of death; and also that the Council of Trent (as we prove in ibid.) did not establish a new law there, but only approved an ancient law of the Church; and that before the Council, as Fagnan proves, and Navarrus himself admits, the common opinion was that those who were excluded from the unity of the Church could not absolve. And so, the Sacred Congregation of the Council declared, as cited by Fagnan, n. 2, where it is stated: "It was asked by the Bishop of Valence (-Die-Saint-Paul-Trois-Châteaux) whether any priest, excommunicated and denounced, could absolve penitents in articulo mortis from reserved cases? The Sacred Congregation decided that they could not, because it seems to be the common opinion that such excommunicated persons cannot absolve even in this case of necessity; thus, the Summa Theologica of St. Thomas, Ricch., St. Antoninus, Scotus, Durand, Turretin, etc., are against Palearius, Sylvester, and Soto. It does not object that, in chapter 7, on the reservation of cases, it should be understood of all priests living in the unity of the Church; and that it should be referred (note) to those priests about whom the same

chapter 7, in the first and second parts, speaks, who have either ordinary or delegated power." Thus far, the words of the declaration. Therefore, Fagnanus says that the Doctors, after the Council, held the opposite opinion because they ignored the aforementioned declaration of the Sacred Congregation of the Council. However, despite these objections, Cont. Tourn. rightly says (tr. de pænit. part. 2. cap. 8.

[*Latin ed. p. 400*]

Art. 4, sect. 8.), it is possible for a heretical or excommunicated priest, if no other is present, to absolve a dying person, provided that, as we have said (n. 482), there is an extreme or urgent necessity, according to the common opinion of doctors. But you will say, as Juvenius, Sanchez, Cardenal Solo, Navarrus, Crocia, and others have said, that it is permissible to rely on an opinion that still has some probability. Indeed, the aforementioned Contenson, in the place cited above (n. 685, on penance, n. 663), states that, just as the second opinion was once the common one, today the first, affirmative opinion is the common one among Doctors. For although the Council, in the place cited, did not establish a new law, yet from other words that are read there, "Lest anyone perish on this account," the intention of the Church is revealed, namely, that in a case of necessity, a priest who is to be avoided may validly absolve a dying person, otherwise someone may perish. Sylvius also holds this view (q. 8, a. 6), along with Cano, Sylvester, and Angelo; and he interprets the teaching of St. Thomas in this way, namely, that an excommunicated priest may validly administer baptism only in the case of death, but he does not administer it as a minister of the Church appointed for that purpose, but as any other person who baptizes in a necessity; but in other sacraments, because he must administer them as a minister, he must administer them while remaining in a state of grace. Furthermore, the aforementioned author (Contenson) adds what Cardinal Albitius states (p. 1, de Inconst., c. 18 and 19), namely, that the declaration mentioned above is not found in the records of the Holy Congregation, which is a sign that it either did not come out or has fallen into disuse, as being contrary to the common opinion. He also states that when such a doubt was presented to Innocent XI, the Pope ordered that there should be no further doubt about the truth of the first, affirmative opinion. And this is also followed by Father Ferraris (t. 5, Bibl. v. Moribundus, n. 33, ad. 39), relying on the authority of the aforementioned Cardinal Albitius (1). 561.

Question II: Can any priest absolve from all sins and censures, not only in articulo mortis, but also in danger of death? Canus denies this (Prael. p. 5, p. 145), as do Solo, Covarrubias, Graff, and Ledesma (ap. Salm. de pæn. c. 11, p. 2, n. 23). But Suar. (d. 26, r. 4, n. 43), Sanchez (Dec. l. 2, c. 13, n. 1), Palafox (p. 13, n. 7), and Salm (ibid. n. 24), along with Navarrus, Sylvius, Lugo, Bonaventure, Paludanus, Vasquez, Villalobos, and others, more truly and commonly affirm it. The reason is that in this matter, the article and

the danger are taken to mean the same thing, as is evident from c. Si quis suagente 29, caus. 17, q. 4, where it says: "No bishop should presume to absolve him, unless there is an urgent danger of death." In such a danger, everyone present is bound to confess in the same way as if he were in articulo mortis (1). En quæst. necentidæ reformatam itam: quærit. e. Can a heretic, schismatic, or excommunicated person to be avoided absolve others, as if he were a priest? Can he absolve those who are in danger of death if another is absent? f. 6, n. 560. v. quær. I. The negative opinion has been proven; but now we prove the contrary, along with Sylvius, Collet, Sylvester, etc. Cano, etc.

[*Latin ed. p. 401*]

Consent of Councils, p. 542, no. 15: In this manner, such a danger is so grave that it can scarcely be distinguished from the article of death; but it seems sufficient that a prudent fear of death arising from that danger is present. Such a danger is considered to be present in battle, in a long voyage, in difficult childbirth, in a dangerous illness, and the like, as Sanchez states in the aforementioned passage, no. 9; Salm, on penance, chapter 44, p. 2, no. 23; and the same author, on the one who is in danger of falling into madness, ibid., no. 27; and the same author, on captives among infidels with little hope of freedom, if they believe that there will be no other priests present. See ibid., nos. 28 and 562.

Question III: Can a simple priest absolve a dying penitent, even in the presence of an approved confessor? The most common opinion is that he cannot, and this is held by Sanchez, De Officio, book 2, chapter 43, no. 7; Suarez, d. 26, s. 4, no. 4; Molina, de justitia, volume 4, d. 63; Azor, book 8, chapter 49, question 5; Bonaventure, q. 7, p. 4, no. 40; Carden, in 2, Crisi, d. 2, no. 424; Antoine, p. 528, question 3; Pal, p. 43, no. 8; Lugo, d. 18, no. 24, with Syb., Soto, Arm., Cov., Rosell, Graff, etc.; Mazzella, volume 3, p. 393, doubt 4, with Vasquez, Concina, and Laym, and Salm, ibid., no. 30, with many others. This is supported by the Council of Trent, session 14, canon 7, which states: "Moreover, that no one may perish on this very occasion, it has always been the practice of the Church to have a guardian in the same church, so that there may be no reservation in the article of death; and therefore, all priests can absolve any penitents from any sins and censures; outside of this article, priests, since they can do nothing in reserved cases, strive only to persuade the penitents to go to superiors and legitimate judges for the benefit of absolution." From these words, two reasons are deduced for this opinion. The first is that, since it is said that it has always been the practice of the Church, it is inferred that the Council did not establish a new law, but only declared and approved an ancient custom of the Church, namely, that simple priests absolve only when there is a lack of an approved confessor; and this ancient custom is supported by the aforementioned authors, cited from the canons of the Council of Presbyteri, cause 26, question 6, chapter

Inter cunctas, § Incendiarii de privil. et Aliis textibus. The second reason is that the Church grants all priests the power to absolve from any sins in the article of death, because then extreme necessity is pressing, and the Church confers jurisdiction upon them so that no one may perish; but this reason ceases when an approved priest is present. And Molina, in the aforementioned passage, testifies that this was declared by Gregory XIII.

The second opinion affirms this, and it is held by Savio, Absolutio, no. 3; Sayr, Dec. 21, Nov. Cons., volume 5, chapter 23, on penance; Barbosa, in Trid., aforementioned, no. 12, with Vega, Led., Reg., Waler, Homob., Boss, etc.; and also Comit., Hear., Vill., Angles, Cornach, Diana, Marchin, etc., apud Lugo, dest. 48, no. 23. And it is considered probable by Viva, q. 3, c. 2, no. 5; Sporer, no. 725; Elbel, no. 628; and Lugo, in the aforementioned passage, where he criticizes Turrian.

[*Latin ed. p. 402*]

He calls it improbable and condemned by Gregory XIII; for, Lugo says, it is not authentically established that the declared declaration is true, and therefore he speaks as follows: "Certainly, the opinion held by so many and so grave Doctors cannot be denied to be probable; especially since it is based on the words of Trent, which cannot easily be explained away by opponents. Therefore, the reason for this opinion is that the Council seems to have indistinctly granted to all priests the power to absolve, for the sake of the salvation of souls, at the time of death, with these words: 'And therefore, all priests can absolve any penitent from any sins and censures.' Where the law does not distinguish, neither should we. Nor do any texts say that it pertains to the power of priests to absolve the dying, which has been prohibited by ancient custom, in the presence of an approved confessor; for the texts cited (as they say) do not speak of sacramental absolution, but of the reconciliation of public penitents with the Church; or, indeed, they assert this about the absolution of reserved censures, which (as will be said later) cannot, by any means, be absolved by a lower priest, in the presence of a higher one. Nevertheless, despite these objections, I believe that we should not depart from the first opinion, because of the authority of the Roman Ritual (on the Sacraments of Penance, at the beginning), where it is said: 'But if the danger of death is imminent, and an approved confessor is absent, any priest can absolve from all censures and sins.' Therefore, simple priests can absolve if an approved confessor is absent; therefore, they cannot, if an approved confessor is present. Moreover, the Ritual seems clearly to indicate that this was the ancient custom of the Church, when Paul V, in his bull by which this Ritual is approved, says: 'It remained to bring forth, with the authority of the Apostolic See, the sacred and sincere rites of the Catholic Church, which must be observed in the administration of the sacraments.' Then he asserts that he has received and approved the rites of the Catholic Church, arranged in order. Finally, he concludes: 'We

urge Patriarchs, Bishops, and parish priests, etc., to use, in the future, the Ritual established by the Church of Rome in the sacred functions; and in this matter of such importance, which the ancient custom of the Catholic Church, and its approved usage (note), has established, let them observe it scrupulously. Therefore, what is prescribed in the Ritual concerning the absolution of the dying, sufficiently declares that the Pope has established it based on the approved ancient custom.' Furthermore, the Roman Catechism on Penance, § 55, says that the Council teaches that any priest can absolve from every sin and censure, if the danger of death is imminent, and the proper priest (note) does not have the power to do so. This is more clearly and strongly proven by the aforementioned words of Trent: 'And therefore, all priests can absolve any penitent from any sins and censures' (as Fagnan correctly says, in c. Non est vobis, de sponsal. etc., n. 4; Petrocor., vol. 4, p. 458, q. 8; and Auctor).

[*Latin ed. p. 403*]

In Croice, in the principal work "De Officiis Confessariorum," book 4, chapter 4, at the end, see section 2. I say that these [rules] do not apply to just any priests, but only to those about whom the Council speaks previously, namely, those who have ordinary or delegated jurisdiction. And this was declared by the Sacred Congregation in the Council, as seen in Fagius, book cited, number 2, where it says: "The cases that must be referred to priests who have ordinary or delegated power, according to the Seventh Canon of the Council of Trent, regarding reserved matters." Therefore, it must be said definitively that the Council, in this point, did not establish a new law, but only declared an ancient custom of the Church, namely, that there is no reservation in articulo mortis [at the point of death] with respect to only those priests who have ordinary or delegated power to absolve. But that simple priests, except for excommunicated persons to be avoided, heretics, and schismatics (as we said in number 560), can validly and lawfully absolve in articulo mortis from all sins and censures, this is not derived from the Council of Trent, but from elsewhere, namely, from "Presbyter 26, question 6," also from the Roman Ritual, and from the declaration of the same Sacred Congregation in the Council, as seen in Fagius, in the place cited, number 6, and from the common custom of the Church.

563. However, it is probable that simple priests can also absolve in articulo mortis, even in the presence of an approved confessor, in the following cases:

1. If the approved confessor would not, or could not, hear the confession, because then the same thing would happen as if he were absent; thus, commonly, Sanchez, book 2, chapter 43, number 3; Lugo, book 18, number 32; Renzi, chapter 4, question 41; and Salm, "De Paenitentia," chapter 41, page 2, number 33, with Aversa.

2. If the approved confessor is a declared excommunicated or suspended

person, because then the simple priest should be preferred. Sanchez, book cited, number 40; Suarez, book 26, section 4, number 4; Renzi, book cited, with Hurt and Mazzotti, volume 3, page 397, book 1, with Bonac. And this is certain, according to what was said in number 560.

3. If the approved confessor is from a different diocese, because in this case, he is not considered an approved confessor with respect to the sick person; thus, it is more probable, Lugo, book 18, number 37; Salm, ibid., number 40, with Trull; also, Henry Aversa and Diana, in Croice, number 1563, against Suarez, book cited, and Sanchez, book cited, number 10, with Zambrano.

4. If the dying person were to so greatly fear revealing his sins to the approved confessor that he would be in danger of confessing sacrilege; then, a simple priest could certainly absolve him, even in the presence of the approved confessor, because this seems very consonant with the benignity of the Mother Church, so that no one should perish on this occasion, as is said in the Council of Trent; for it could happen that the approved confessor is an enemy, a relative, or an object of sin, and then the Church would not be considered to want to obligate the sick person to confess only to him in such a necessity; thus, it is probable, Mazzotti, book cited, with Croice, from D. Thomas and Spotorius, page 260, number 725. Those who think the same should proceed if the sick person could not confess to the approved confessor without great difficulty or discomfort, or if the simple priest would manifestly be more suitable and useful to him than a rural parish priest.

5. If the approved confessor arrives already during the confession with a priest.

[*Latin ed. p. 404*]

With a simple confession, for at that time the judgment already begun must be completed; thus, commonly, Sanchez, c. 43, no. 45; Lugo, c. 48, no. 33; Mazzarelli, loc. cit.; Renzi, c. 4, q. 42; Croel, 6, p. 2, no. 4562, with Sylvestri and Salmotti, de Paen., c. 41, p. 2, no. 34, with Grancisco and Henry, Diana, Aversa, Praepositus Trulliensis, etc. Hence, it is probably said by Sanchez, no. 16; Renzi, q. 43; and Salmotti, ibid., no. 35, with Lugo, Diana, and Aversa, that if a confession made to a simple priest is invalid, even if an approved priest subsequently arrives, the sick person can rightly confess to the first priest, because that priest truly had jurisdiction over the prior confession, which is not considered finished when an invalid absolution has been given.

VI. And finally, in the case where an approved priest has been present with a sick person burdened by a grievous sin, then, certainly, the simple priest should be preferred, according to what was said in no. 553. However, Lugo and Renzi, loc. cit., and Salmotti, ibid., no. 36, with Aversa, rightly except the case where the person is dying and is under an excommunication

reserved; in that case, even if he has begun to confess, he should first obtain absolution from the censure, if a superior is present, and then complete the confession. Also, it should be noted that if the penitent has already received absolution from a simple priest, and then remembers another sin, with an approved priest present, he is bound to confess it to that priest, because that is a new confession, as commonly stated by Sanchez, no. 45, at the end, with Zambotti, Suarez, d. 23, sect. 4, no. 2; Salmotti, de Paen., c. 41, p. 2, no. 37; Renzi, q. 43, with Trulliensis, Diana, and others.

Doubt 4: In the presence of a superior, can any confessor absolve a dying person from sins and reserved censures?

It should be distinguished: Regarding reserved sins, I believe, with Antoine, p. 528, v., and the Author on the Office of Confessors, in Croel, l. 4, cap. 1, q. 25 (contrary to Roncaglia, c. 4, qu. 3, r. 4), that an inferior can rightly absolve from them, because in articulo mortis, all reservations cease, lest anyone perish on this account; as declared by Trent. From this, Lugo, d. 48, no. 38; Suarez, d. 26, sect. 4, no. 4; Sanchez, Dec., lib. 2, d. 13, no. 40, with Zambotti and Salmotti, ibid., no. 39, with Aversa, rightly infer that if a sick person has reserved sins, and an approved confessor is present, the simple priest cannot absolve him; for although that confessor does not have the power over reserved matters outside of articulo mortis, he certainly does have it in articulo mortis, because then (as we have said) all reservations cease. However, I believe that this should be said differently regarding reserved censures, because a confessor lacking the power to impose them is bound to inform the penitent who is under a reserved censure to present himself to a superior, once the danger of death has passed, according to what was said in no. 567. Therefore, if a sick person can present himself to a superior before absolution, he is certainly bound to first obtain absolution from the censures, so that he can then be absolved from sins.

However, is he bound in that case to go to the superior in writing or through another confessor? See in the following Doubt III.

[*Latin ed. p. 405*]

II. It is doubted whether, in the event of a danger of death, in cases reserved to the Pope, if the Pope cannot be reached, an Archbishop should be sought. The first opinion, held by Suar. d. 30, sect. 3, n. 4; Mol. t. 4, de just. d. 63, n. 2; and Sanch. Dec. lib. 2, c. 13, n. 9, with Henry, distinguishes and says that if the case is hidden, then the Archbishop must certainly be approached, because Archbishops, by ordinary right (as Sanchez rightly proves in c. 14), can absolve from hidden reservations by concession from Trent, in c. Liceat. 6, session 24, de Reform. Otherwise, if the case is public, because then, except for the transgression of a cleric from c. Ea noscitur, and c. De cætero, de sent. excom. 14, where it is expressly commanded that the Archbishop be approached if the Pope cannot be reached; in other cases, there is no obligation to approach the Archbishop, because in reser-

vations reserved to the Pope, the Archbishops can do nothing; conversely, since all reservations cease with death, then the Archbishop and any other confessor are equal. But Navarr. cap. 27, n. 81; Pal. de censur. d. 2, p. 14, §. 5, n. 6, with Sayr. Ugol. Hurt. and, as it is asserted, Salm. de censuris c. 2, p. 5, n. 63, with Con. Avila, Cornejo, etc., contradict this commonly, because, as they say, the aforementioned text in c. Ea noscitur, extends to the absolution of any censure reserved by the Pope, since the same reason applies. Therefore, in the presence of an Archbishop, a confessor cannot absolve from cases reserved by the Pope, because all cases are reserved by the Pope because of censure, and reserved censures cannot be absolved by an inferior in the presence of a superior, as we have already demonstrated above in the preceding doubt. But notwithstanding this, I do not consider the first opinion to be improbable. I said, in the presence of an Archbishop: for if he is absent, see what should be said in the following doubt.

III. It is doubted whether any confessor can absolve a dying person from reserved censures, if the power to do so can be requested from the superior by letter or messenger? The first opinion denies this, and it is held by Bonac. de censur. t. 4, d. 4, q. 3, p. 3, n. 5, with Zambr. and Croix l. 6, p. 2, n. 1697, with Suar. Lugo, and Aversa. The reason is that, since this infirm person could well fulfill his obligation by obtaining absolution through a procurator, or by letter (for what is done by another is considered to be done by oneself), he is bound to do so. The second opinion, however, is more common and more probable, and it is held by Azor l. 8, cap. 19, q. 5; Sporer n. 750; Viva in prop. 7; Alex. VII. n. 8; Sanch. Dec. l. 2, c. 13, num. 14, with Henry, Val. and Cord. Con. d. 14, n. 241; Dian. p. 5, tr. 9, r. 6; Pal. de censur. d. 4, p. 2, §. 5, n. 6; Salm. eodem tit. c. 2, p. 5, n. 65, with Cornejo, and Avila, also Carden. Tamb. Dicast. and Stoz apud Croix l. c. The reason is that in this case, there is a danger of manifestation, which does not seem so remote, as the opponents assume, since many may be aware of the case, by which knowledge of the sin can be made known; and also in cap. Quamvis, de sent.

[*Latin ed. p. 406*]

Excommunication is declared for anyone who, by any canonical impediment, is prevented from approaching the Roman Pontiff. Hence, Nav. Man. c. 27, n. 90, ad 5. Also, Henry Ugol and Sayr, apud Sanch., state that one is legitimately considered impeded from personally approaching a superior, even if he can do so through a procurator. And the Author, apud Croiæ de Offe. confess. c. 1, q. 25, excuses the sick in the same way from approaching a superior, if his reputation is endangered in doing so. 564. — "By custom, any confessor can absolve from both venial and mortal sins, after other sins have been confessed." (But this is now disapproved of, as we have seen in n. 560.) "By privilege, Mendicant Religious can absolve any faithful, according to the tenor of their privileges." (However, these privileges

were revoked by the Council of Trent in session 23, c. 15, where it was decreed that no Regular can hear the confessions of seculars, even priests, unless he obtains approval from the Bishops, notwithstanding privileges and customs. Hence, proposition 36 from Aleæ VII was condemned, which stated: "Regulars can use their privileges in foro conscientiæ, which have been expressly revoked by the Council of Trent.") "By concession of the Ordinary, any priest approved by him, to whom he commits this task." (Therefore, the faithful can freely confess to any confessor approved by the Ordinary. Thus, commonly, Pilton. de confess. n. 370, Mazz. t. 3, p. 293, and Bon. de sacr. d. 5, qu. 5, sect. 2, p. k, n. 35, with Sa. Conc. Val. and the common opinion, and this is abundantly approved by Benedict XIV, Notif. 18, n. 9; and this also during the Paschal season, even without the consent of the parish priest, as Mazz. and Pope Benedict state. For what is said in c. Onnis, etc. de pænit. et rem., that the faithful ought to confess once a year to their own priest, should be understood (as they say there, the Glossa, and Fagn. in c. Ne pro, de pænit. ac Cabassalib. 3, cap. 8, n. 9), to mean any priest who is approved by the Ordinary. And this at least is certain by the present universal custom, whatever the ancients may have said otherwise. Hence, S. C. Episc. on April 3, 1584 (ap. Pilton. de confess. n. 361), resolved: "The decree of the Bishop, in which it is stated that no confessor, even one approved by the Ordinary, can hear the confessions of anyone during the Paschal season without the license of his own parish priest, is in no way to be observed, since the penitent performs a valid act by bringing the parish priest the faith of the confession heard from an approved person.") 565. — "Finally, by indirect means, those who have the power to choose a confessor determine who they are. I. By law, all Bishops, even if they are only titular, as well as superiors to Bishops, such as Archbishops, etc.; also, prelates inferior to them, who are exempt, such as an exempt Abbot (but not an Abbess), a General, a Provincial, a Prior, with the exception of the privileges of the Orders. See Dian. p. 4, tr. 4, r. 1 and 2. II. By custom, Cardinals, who also provide for confessors for their domestic staff."

[*Latin ed. p. 407*]

It is possible for: also pastors, and in many places even other priests. Secular priests, as taught by Valentia. See Suarez, dist. 27, sect. 3. However, religious are obligated to choose those who are suitable to them, as permitted by their statutes; also, kings and princes, although this privilege does not extend to their family; finally, domestic [chaplains] of the Pope. III. Those who receive this appointment from a person, whether the Pope, a bishop, or a parish priest. (But see the statements in n. 544.) Here, there is doubt: 1. Can bishops choose any priest as their confessor? It was formerly considered to be affirmed based on the end of chapter *Ne pro dilatione, de pæn. et rem.*, where it is said: "We permit bishops, and other superiors, as well as lesser prelates who are exempt, to choose a confessor for them-

selves, even without the permission of their superior, provided that he is prudent and suitable." However, the Holy See declared in the decree *ad Fagnium*, n. 62, that this should only be understood to mean that bishops (understand this in reference to bishops who are outside their diocese; for within their diocese, they can indeed grant any priest the faculty), and others as mentioned above, can choose a priest who is subordinate to them, or a parish priest, or another priest approved by their own Ordinary (note: "their own," meaning the Ordinary of the priest's domicile, as explained by Lugo, d. 21, n. 39 and 42). And the same was later confirmed by Gregory XIII on December 4, 1582, as reported by Fagnan, *loc. cit.*, and Pitton, *de confess.*, n. 350. The term "exempt prelates" includes Referendaries, Auditors of the Rota, Apostolic Protonotaries, and other prelates of the Roman Curia, as well as regular prelates, abbots, and other local superiors immediately subject to the Holy See; thus Suarez, d. 27, sect. 2, n. 8; Lugo, d. 19, n. 4; Diana, p. 2, tr. 2, *de dub. Reg.*; and Renzit, 4, p. 537, q. 10 (1). 2. Can cardinals choose a confessor for themselves and their family? Generally, Alphonsus de Leone and Diana, citing Lugo, affirm this (see Renzit, 1, p. 537, q. 10). But this must only be admitted in the City [Rome], because outside of it, they cannot, since they do not enjoy any privilege other than that of bishops, as declared above; as correctly stated by Fagnan, *loc. cit.*, n. d. 53 and 65. It should not be understood as the opposite of what is stated in Lugo, d. 19, n. 5, and Suarez, d. 27, sect. 2, n. 6, because there they assert nothing other than that cardinals are included in the aforementioned chapter. Fagnan approves of a confessor in the City; and he says the same about bishops, n. 30, with Hostiensis. Can parish priests choose a confessor for themselves? Certainly not, according to proposition 46, condemned by Alexander VII, which stated: "Those who hold a curacy can choose a simple priest, not approved by the Ordinary, as their confessor." However, Wigandt states (tr. 43, n. 89; Spor, p. 257, n. 705; and Elb, p. 289, n. 299) that "(1) It has been granted to bishops to bring with them an already approved confessor, and to have him serve them even in a foreign diocese." From *Homo Apostolicus*, tr. 16, n. 89, Edit. 22.

[*Latin ed. p. 408*]

Parish priests may, by custom, be considered as vicars, or as approved substitutes, even from other dioceses. This does not seem to be blameworthy, where such a custom truly exists, because then there is a tacit consent of the Bishops.

566. — • 4. He who has delegated authority cannot delegate it to another, since the power to exercise jurisdiction is distinct from the power to delegate it. This is excepted: 1. unless this itself has been conceded; 2. unless he is delegated for the sake of all causes, as, for example, if someone is appointed to the office of parish priest in the absence of the current priest, or who is not yet a priest: in such a case, he may delegate some exercises

of jurisdiction to another, by presumed will of the Ordinary, but not the entire office. Layman here, book 5, page 6.

Generally speaking, therefore, a delegate cannot delegate, unless it has been expressly conceded to him. This is excepted: 1. if someone was delegated by a prince. But this is understood (as explained by Layman in *De Paenitentia*, chapter 49, paragraph 14, and Castrop in the same work, title, page 13, paragraph 45) when the delegation is made as if by office; and not if a person is chosen because of their expertise, or if they are entrusted with the execution of a particular cause.

This is excepted: 2. if someone is delegated for the sake of all causes, even if not by a prince. But even in this case, it is necessary to distinguish, as Layman states in the aforementioned passage, paragraph 42. There are two ways in which jurisdiction for all causes can be delegated to someone: first, when someone is entrusted with an office to which jurisdiction is attached; and this applies even if the office is not his own, but that of a vicar, for example, as a vice-parish priest, or a vice-rector acting as parish priest in the absence of the current priest, or who is not yet a priest: such a vicar can properly delegate his jurisdiction, not entirely, but for one or another cause, as the Doctors commonly teach; because in this case, not only is the exercise of the parish priest entrusted to him, but also the office of the parish priest, to which belongs not only the use of jurisdiction, but also the delegation of it. Thus, Sanchez in *De Matrimonio*, book 3, title 31, numbers 1 and 45, with Sylv., Cav., Lop., Abb., etc. Layman in the aforementioned passage, number 10. Palafox in the aforementioned passage, number 46, with Henry and others, from the *Doctor Thomae* *Quaestiones*, 12, article 31, where it is stated: "A vicar cannot communicate his entire power, but he can delegate a part."

Second, when someone is delegated not an office, but jurisdiction, such as a privilege perpetually attached to his office or dignity; in this case, such jurisdiction is considered as ordinary, as is the power granted to Bishops by the Council of Trent in the decree *Liceat*, session 6, chapter 24. Rodriguez and Viva, in question 8, article 4, number 43, with Navar, Peyrin, Naldo, Bord., etc., state that if a Bishop were to grant a confessor the power to absolve from all reserved sins, that confessor might delegate that power to another in a particular case; but Layman and Castrop, in the aforementioned passages, with Coninck, allow this only in the case where such power is granted because of the office, i.e., as a parish priest, or vice-parish priest, as stated above; but not when the power is given to someone because of their expertise or probity: facul-

[*Latin ed. p. 409*]

Such delegation pertains only to the one to whom the office is entrusted, but not to the one to whom only the use, or exercise of jurisdiction, is entrusted.

2. Since jurisdiction concerns subjects, it can be exercised upon them, both by a delegate, whether from the ordinary, wherever he may be, as Sanch. Henr. Suarez teaches in 3. p. t. 4. d. 18. sect. 1. and 7., and others. (But today this is disapproved. See note 547.)

3. It is probable that one who is absolved in articulo mortis is not obligated to afterwards present himself to his superior, or to another for reserved matters, unless these have an attached censure, as Nav. Suar. March. Fill. teach in t. 7. c. 10. qu. 6. n. 288. Bon. d. 5. q. 7. p. 1. n. 13., because he was directly absolved. (Salm. de pæn. c. 14. p. 2. n. 24. holds this view more truly, along with Sanch. Hurt. Præp. Nav. etc. See regarding this, the saying about censures, l. 7. num. 94.) Conversely, Hurt. Diana p. 4. t. 4. r. 199.

4. The impropriety, or lack of knowledge, of one's own priest does not grant jurisdiction to another: therefore, in such a case, one must wait, or appeal to a superior. However, if the ignorance were so great that confession made to him would be invalid, or illicit, and there is neither another privileged priest, nor one having jurisdiction, it is permissible for another to hear confessions, as Nav. Vasq. teach in 3. p. t. 4. q. 92. art. 2. dub. 4. Hurt. d. 10. dif. 15. See Diana p. 4. tr. 4. res. 201. and p. 8. t. 4. r. 76. from c. Placuit, de pænit. d. 6. The same is permissible when one cannot confess to his own priest without grave danger. Tol. Sylv. and Med. grant this, and they also allow it when one's own priest does not wish to hear him, or cannot, or unjustly denies the permission to confess to another, e.g., a parish priest to a concubine. Diana p. 3. t. 4. r. 79. from Henr. and others four. Truly, these are commonly refuted by others. (But see note 564.)

5. One's own priest can gravely sin if he denies his people the opportunity to approach another, provided that one can presume that they are justly requesting it; however, if he unjustly denies it, it seems probable that they are invalidly absolved by another, as Sotus, Suarez, Laym. teach, although Sylv. Henr. Maj. Palud. Richard. Tolet. and Diana p. 3. t. 4. r. 70. may not improbably hold that it is valid, especially if it is not permitted to one's own priest without danger to one's salvation, reputation, or similar things. (But see note 564. v. Ex concessione.)

6. Jurisdiction is acquired by reason of domicile, or quasi-domicile, or even actual residence: hence, those who have a domicile, or quasi-domicile, in two places can be absolved in both places, such as students, soldiers, merchants: likewise, vagrants and pilgrims can be absolved by the parish priest of the place in which they are. See Laym. here, Vasq. etc. Commonly, Doctors of the Church teach that pilgrims, considering custom and tacit consent of Bishops, can confess to anyone approved in the place where they are found. Thus, Palaus de pænit. punct. 13. n. 12. Lugo, in the same title.

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d. 19, n. 7. Council, p. 544, n. 20. Salm. on Penalties, ch. 14, p. 3, n. 53. Bon. on Penalties, d. 5, p. 2, n. 5. with Suarez, Vasquez, etc. However, these au-

thors limit this, provided that the penitent does not leave his own domicile, established in Monteu da Po, to confess elsewhere. But Tamb. on Penance, ch. 4, § 3, n. 44; Renzi on Penance, ch. 4, question 14; and Mazz. vol. 3, p. 403, n. 44, on Penance, d. 2, § 2, n. 2, with Pont. Fill. and others, more truthfully state that this limitation is not necessarily to be observed, due to the general rule of law that no one appears to act fraudulently who uses his own right; and there is no reason why Ordinaries would ever have given a sign of their dissent in this case. These authors rightly state this, see v. 564, v. From the concession. And today, this is no longer a matter of doubt due to the present universal custom. However, by the bull of Clement X, it is forbidden for penitents to go to another diocese for confession in order to evade the reservation of their sins. See what is to be said below, n. 589, 570.

7. He who hears confessions validly absolves, in the presence of, or with the knowledge of, and without contradiction from, the Ordinary, e.g., the Bishop or parish priest, to whom it is known that he does not have jurisdiction from elsewhere: because in such a case, tacit consent is presumed. As Filt. and Fagund. rightly teach in part 2, book 7, chapter 2, interpretative power and presumed consent are sufficient, provided that the presumption is based on signs that indicate present consent, as is the case here. (Therefore, mere internal consent is not sufficient. Salm. from common on penalties, ch. 44, n. 65.) (e.g., if a parish priest, who is already absent, has otherwise indicated that he is pleased with this); for an estimation of future consent, or ratification, that is, that when he learns of it, he will be content, is not sufficient; because future consent does not grant jurisdiction for the present time, in which absolution is given. See Dian. p. 3, vol. 4, r. 68. Sanch. on Matrimony, l. 3, d. 35. Bec. Council, who adds that it is sinful to begin hearing confessions if one doubts the consent. 574.

8. It is sinful to absolve with doubtful jurisdiction, unless necessity compels: such as when, for example, the penitent has not confessed for a long time, or must receive Holy Communion, and no one else is present: then it is permissible to absolve with the condition, if possible, and with the obligation (unless he acknowledges this obligation) to confess again to one who has certain jurisdiction. It is advisable to add some indulgence, from which he is directly, and from others at least indirectly, absolved. Thus, Regin. Suar. Coninc. d. 8, dub. 5, n. 43. (Holz. p. 478, n. 682, and Elbel p. 297, n. 326, with Babenst., state more probably that the following reasons are sufficient to absolve with doubtful jurisdiction: 1. If there is an urgent danger of death. 2. If there is an urgent need to fulfill the precept of annual confession. 3. If the penitent is to celebrate, or receive Holy Communion, and otherwise would suffer infamy.

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Thus, he would incur [the penalty]. 4. Furthermore, Salm, in *De Paenitentia*, chapter 41, paragraph 5, number 72, states that if a priest is bound

by obligation to administer the sacrament. See what was said in book 6, number 28. However, Suarez, in *Disputationes*, 26, section 6, and Salm, ibid., along with Aversa (contrary to Salas and Cornejo), hold the opinion that in certain cases, the penitent is not bound to confession, but only to contrition, which he always needs, even if he confesses. But if, however, he resolves a doubt based on a probable reason, namely, that he believes he has jurisdiction, even if there is an appearance to the contrary, he absolves validly and licitly: as Suarez and the *Praepositio* of Lugo, 10, number 49, teach, because then he is certain in practice and morally; and because, in that case, the Pope grants the faculty, as also in the following cases: I. When, due to a common error, for example, because of a misleading title, someone is considered to be a pastor or to have jurisdiction, when he does not, due to censure or another defect. See Bonaventure, 5, question 5, section 2, paragraph 3, number 41; and Diaz, page 3, treatise 4, response 22. Furthermore, Diaz, page 3, treatise 4, response 122, teaches that, even if the misleading title is absent, it is probable. See also, part 2, volume 2, mixed rulings, number 43, if someone confesses in good faith in such a case; but this is commonly denied by others. II. When someone absolves, or does not know that his power has been revoked, due to custom, prescription, or good faith, as held by Sylvestri, Navarrus, Henricus Maldacatus, in 2, page, question 40, article 5; Sanchez, *Moralis*, book 1, chapter 9, number 35; Salm, *Vasquez*. See Diaz, page 1, volume 13, response 1. III. When, according to a probable opinion, someone is judged to have jurisdiction, and the priest follows the favorable judgment. See Bonaventure, *loc. cit.*, because, when there is a common error, the Church grants jurisdiction for the public good. See Suarez, Diaz, *loc. cit.*, and the *Cardinalis de Lugo*, 40, number 28, 572.

Here is the question: 4. Whether, in the presence of a common error, the Church supplements jurisdiction in the sacrament of penance? If the common error is accompanied by a misleading or presumed title, it is certain among all that the Church confers jurisdiction; thus, Sanchez, *De Matrimonio*, book 3, chapter 22, number 5; Council of Trent, session 5, decree on marriage, paragraph 29; Antoine, page 524, question 2; and Cardenas, in *Propositiones*, 1, condemned by Innocent XI, book 2, chapter 6, number 149, along with Cajetan, Patouillet, Soto, Arminius, Sylvestri Navarrus, and the common opinion. This is proven by the law *Barbarius*, in the titles concerning the office of the praetor, which text, although civil, has force even in canon law, since it has not been disapproved by canon law, as is stated in chapter 4, *De Novi Operis Nuntiatione*, as we have frequently said in book 4, number 106, in the notes. It is also proven by chapter *Infamis*, canons 3, question T, where it is said: If a slave (who is incapable of jurisdiction), while believing himself to be free, gives a judgment by delegation, even though he is later returned to servitude, the judgment given by him retains its validity. The reason is that, by a benign interpretation, it is

presumed that in that case, the pious Mother Church, for the good of souls, supplements the jurisdiction. However, Sanchez, *loc. cit.*, rightly points out that, for the Church to supplement jurisdiction, a fictitious title is not sufficient, but a title is required, which, although only presumed (because perhaps it is invalid for some reason), must be present.

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Nevertheless, it must be genuinely conferred by a legitimate superior, even if that superior is prohibited from conferring that title from elsewhere, as is stated in Novella 44, chapter 1, Authentic. A greater doubt arises as to whether the Church supplements jurisdiction solely on account of a common error, without a title. The first opinion affirms this, and it is held by Lugo, book 19, number 30; Sanch., Decrees, book 1, chapter 9, number 35; Pont., book 5, chapter 20, number 2; Pal., volume 1, treatise 1, division 2, point 1, number 9; Suar., 3, part 2, division 26, section 6, number 6; Less., chapter 29, number 68; Bon., book 2, on sins, question 4, part 9, number 49; Dian., part 2, treatise 13, response 2, with Molf. and others; also, Carden., book cited, number 143; Vill., Malder., Gran., Turr., Henr., and Martin; also, Host., Innoc., Felin, etc., in Sanch., on marriage, book 3, division 22, number 48. The reason is that, when a common error is present, the same principles of law apply as we mentioned above, namely that the Church is presumed to supplement jurisdiction for the good of the faithful. Since the same adequate reason of the common good applies both to a common error and to a colorable title, for which there is no special reason, why should greater care not be taken for the public good through a common error alone? The second, more common, opinion denies that a common error alone is sufficient, and this is held by Busemb., as mentioned above (who asserts that the first opinion is commonly rejected); and by Sylvest., in the Confession, number 1, question 15; Ang., ibid.; Conc., page 547, number 31; Ronc., chapter 1, question 3, response 3; Holzm., page 179, number 684; Sporer, number 714; Elbel, page 293, number 343; and Sanch., (contrary to himself), on marriage, book 3, division 22, number 49, with Navar., Arm., Tab., Cov., Cajel., Lob., Gabr., Ugol., Henr., Palac., Arag., etc. The reason is that, when a colorable title is lacking, it is least presumed that the Church intends to supplement jurisdiction, because if the Church were to confer jurisdiction solely on account of a common error, greater harm would result to the faithful than benefit; for more wicked priests would take advantage of this opportunity to simulate being confessors, and thus they could spread many errors and heresies, leading the faithful astray. But this reason is not entirely convincing; for, given that the Church would deny jurisdiction to such wicked priests, it would not prevent them, who already care nothing for their own damnation, from spreading their errors; and, on the contrary, the faithful would be exposed to evident danger of perdition due to the invalidity of their confessions. Therefore, it is rightly considered

probable by Carden., book cited, page 75, number 451; Viva, question 8, article 1, number 16; Tamb., book 5, on penance, chapter 4, section 7, number 47; and Ronc., Sporer, Holzm., and Elbel, with Henno, Gobat, Herincæ, and Stoz. And therefore, it is probably said that the faithful are not obligated to repeat confessions made in good faith to a priest who was considered a confessor due to a common error.

573. — Question II. Is it permissible to administer the sacrament of penance with only probable jurisdiction? There are three opinions.

[*Latin ed. p. 413*]

The first opinion denies this, and this view is held by Concina, page 548, number 2; Antoine, page 525, question 25; and Eliz., page 2, line 5, question 45, section 2. The reason is that, according to proposition 1, which was condemned by Innocent XI in the administration of the sacraments, it is not permissible to use a probable opinion if it exposes the sacrament to the danger of invalidity.

The second opinion, which is the common teaching, holds that it is permissible to absolve with probable jurisdiction, provided that the opinion is truly probable, with strong reason and authority; thus, Sanch., on marriage, book 3, chapter 22, number 65; and Dec., book 4, chapter 9, number 35; Lugo, book 19, number 30 (who considers this the safest); Bon., question 7, page 5, section 4, number 4; Pal., volume 1, treatise 1, chapter 2, page 5, number 9; Less., book 2, chapter 29, number 68; Conc., book 8, number 22; Fill., treatise 7, chapter 9, number 227; Croix, book 6, number 117; Tamb., book 3, chapter 3, number 1; Viva, in the aforementioned proposition 4 and in the question on jubilees, article 2; Carden., in the same proposition, number 160; also Hozes, Filguera, Corella, and Lumbier, in the aforementioned proposition; and Salm., treatise 6, chapter 11, page 5, number 74, with Turr., Vill., Reg., Avers., Salas, Dic., Herinex, Bonasp., and Salm., scholastic treatise 24, book 12, doubt 7, section 1, numbers 80 and 85, with Maldero, Gran., Henr., and Gabr. And they call this opinion "morally certain," as Sanch., Tamb., and Carden., book cited, and Dicast. Ills. Gorm. Stoz, etc., state in Croix.

The first reason is that a common error, even if it lacks a colorable title, provides jurisdiction, provided that the opinion is held by everyone to be probable; for if some wise people doubted the probability, and it were false before God, it would be an error, but not a common one. But this reason does not convince; for although the aforementioned opinion (that, in the case of a common error, the Church supplies jurisdiction) is not improbable, as we said in the preceding question, it is not certain, as is required to validly administer the sacrament.

The second reason is that when a priest lacks jurisdiction, penitents who confess in good faith to a priest who has only probable jurisdiction are validly absolved in that case, directly from venial sins, and indirectly from

mortal sins. But that opinion, that a confession of venial sins before a simple priest is valid, is also not certain, as we said in number 543, and therefore this reason also does not convince.

The third reason is that the Church supplies jurisdiction through present ratification, when it sees that this is commonly practiced, and approves of it for the good of souls.

The fourth reason is the strongest, because in the Church there is a universal custom among almost all confessors of absolving with probable jurisdiction, as is commonly testified by Suar., book 27, section 4, number 7; Lugo, book 19, number 31; Carden., number 466; Arriaga, book 39, section 5; Diana, page 3, treatise 2, rule 3; Croix, book cited, and all the other authors cited above in support of this second opinion. The common opinion of the doctors bases moral certainty on this aforementioned custom; and although those who are opposed may consider it illicit to absolve with probable jurisdiction, they nevertheless overlook this, and cannot deny that this custom exists, at least among a very large part of confessors.

Therefore, if we assume that this custom is certain, it is certain that...

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Then, it is permissible to administer the sacrament with probable jurisdiction, when the custom itself confers jurisdiction, as taught by Suar. de rel. t. 8. l. 2. c. 9. n. 3; Navar. Comment. 2. de regul. n. 65, where it is said: "This jurisdiction is largely introduced or increased by custom, which has the power to grant jurisdiction." Barb. de potest. Ep. p. 1. tit. 4. n. 36; Carden. n. 164; Quaranta in summ. Bull. verb. Archiep. auctoritas v. 25; Pelliz. t. 2. tr. 10. c. 10. n. 42. And this is demonstrated from cap. Cum contingat 1. de foro compet., where it is said: "Unless, perhaps, those to whom the penitents are assigned, by indulgence, or by special custom, may validly claim such jurisdiction for themselves." Where the Glossa states: "What custom grants, jurisdiction grants." Nor does the condemned proposition 1. object, for they respond, as Viva q. 8. ar. 2. n. 2, and Wigandt tr. 13. n. 94, with Gonet: "The proposition speaks of opinions concerning those things in which nothing is possible for the Church, that is, concerning the matter and form, but not concerning jurisdiction, which can be well supplied by the Church, and is certainly presumed to be supplied in this case for the good of souls: hence, the confessor, in absolving, does not absolve with merely probable opinion, but with moral certainty, not directly, but reflexively." The third opinion, which I embrace, and which is held by Suar. d. 26. sect. 6. n. 6; Holzm. p. 178. num. 683; March. tit. 3. q. 4; and Gob. tr. 7. n. 145; Wigandt tr. 13. n. 94; Spor. n. 747; and Elbel p. 292. n. 314, with Bardi, Sancio, and Babenst., says that it is indeed permissible to administer this sacrament of penance with probable jurisdiction, but only when there is a grave necessity, or a great benefit, as Elbel and Wigandt say; or a reasonable cause, as Suar. and Sporer say. The reason for this limitation is that, although the Church in

such a case may rightly judge it permissible to supply the jurisdiction for the good of souls, it is not presumed to connive at the mere freedom of priests without any just cause. Such a cause (as Sporer and Holzmann say) is present: 1. When the penitent needs the help or counsel of that particular confessor. 2. If the complexity of the penitent's sins is known to the confessor who possesses certain jurisdiction, and is unknown to the confessor who has only probable jurisdiction. 3. If the confessor who has probable jurisdiction prudently fears that the penitent will not make a complete confession to him who has certain jurisdiction. 4. Sporer adds, lest the penitent fall into some aversion, or harmful suspicion of the confessor who has certain jurisdiction. 5. If the precept of confession is urgent, or a special indulgence is to be obtained, or because someone has been unable to confess for a long time. 574. — 9. No one is ever obligated to confess to a parish priest, not even at Easter. Lugo d. 19. sect. 2. n. 28, etc., with Dian. p. 8. t. 4. r. 88. Therefore, parish priests are mistaken when they refuse to allow their parishioners to confess to mendicants, even at Easter, when they have a privilege for all the faithful of Christ. Suarez, Conin. Henrig. Regin. Zerola c. 15. q.

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3. and similarly, in Bon. d. 4, q. 1, sect. 2, part. ult. "And thus, it is also not permissible for a pastor to prohibit his subjects from confessing to an approved confessor appointed by the local Ordinary; see the aforementioned n. 564." Therefore, those "who teach that confessants, even during Easter, are to be held to confess to their own pastor again after confessing to Religious, will be suspected of heresy. Diana, p. 4, vol. 8, r. 102, and others." (John XII condemned the opinion of John Poliacus, who said that confessions made to Religious should be repeated before the pastor. Subsequently, Clement VIII, in the year 4592, and Clement X, in the Constitution *Suprema*, decreed that it suffices to confess annually to Religious who are simply approved. See Benedict XIV, Notification 18, n. 5.) However, this privilege does not allow Religious, or Religious women, who do not have the ability to confess outside of their own order, to be absolved, as commonly noted by Rodriguez and Campion in *Privilegia Societatis Jesu*, v. Absol. § 4, and by Layman here. Because a general privilege is not considered to derogate from a particular custom or statute, unless it is expressly stated. (Palatius clearly explains this on p. 14, n. 11, along with Suarez, Layman, etc., because all Religious have the privilege from Innocent IV and other Popes, not to confess to others outside of their order without the consent of their superiors.) However, it is customary that Religious who are traveling, by presumed will of their superiors, if they do not have a member of their order, should be absolved by any other priest, even a secular priest, except in reserved cases: in which cases, if Religious of the Society encounter such situations outside of their domicile, they should

see the ordinances of the General Prefect, chapter 6, n. 6, and Layman here, 575. Religious who are traveling, if they have a member of their own order, should confess to that member, as commonly stated by Layman, tr. 6, c. 40, n. 20; Roncaglia, p. 89, q. 8, r. 1; Tamburini, *De Sacram. Pænit.*, cap. 5, § 2, n. 16; Croica, l. 6, n. 4524; Salm, tr. 18, c. 4, p. 2, § 6, n. 125 (who rightly add that the member should be suitable, and Layman seems to agree). And it is clear from the words of Innocent VIII, as will be seen below, that if a member or another suitable confessor of their own order is lacking, they can rightly confess to another priest who is suitable, whether a Religious or a secular priest; and in this, all agree. But it is doubtful whether this priest should be an approved confessor? Wigand, tr. 13, n. 83, and Antoine, p. 525, v. Porro, and the Council, p. 539, n. 14, along with Vasquez, etc., affirm this. Others, however, most commonly and truly deny it, as Suarez, *De Relig.*, tr. 8, l. 2, c. 17; Spotorius, p. 255, num. 685; Escobar, l. 16, num. 26; Palatius, p. 14, n. 12; Elbel, p. 296, n. 349; Mazzotta, t. 3, p. 474; Roncaglia, l.c.; Tamburini, *De Pæn.*, l.c., n. 47; and Salm, d. n. 425, along with Rodriguez, Bordon, Antoninus of Florence, Portel, etc. And this is proven by the concessions of Sixtus IV and especially Innocent VIII (as Palatius, Escobar, and Salm state in their works), who said: "Therefore, we... to the Religious of this kind, whom it may happen to send out on their travels and through their superiors, if they do not have a suitable priest among their professors, then..."

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that they may be able to choose another priest, suitable and discreet, whether religious or secular, who may lawfully hear their confessions. It is appropriately noted by Salmanticenses, with St. Antoninus, Sylvestrus, and Soto, that any simple priest who is fit to hear confessions is considered suitable, even if he has not been approved by any prelate, because formerly, even before Fridentinus, anyone could confess to any simple priest. Furthermore, the aforementioned authors (A.A.) state that regular prelates, when granting permission for their religious to travel or reside elsewhere, tacitly grant them the permission to confess to any suitable priest; and they attest that this is the custom of religious orders, which superiors observe and do not contradict. Nor does the Council of Trent, in session 23, chapter 45, obstruct this, for the Council requires only that a confessar be approved by the Bishop for the confessions of the laity, and not of religious. Nor does the Brief of Benedict XIV, Quod communi, etc., dated March 30, 1742, obstruct this, in which it was granted to the Brothers of the Capuchin Order that they might, while traveling, confess to any confessar, provided that he had been approved by the Bishop of the place; for this Brief speaks only of the Capuchins, who had a particular constitution not to confess except to their own confessars. Therefore, Cont. Tourn. de pænit., part 2, chapter 8, article 4, section 6, number 623, wrongly cites this Brief as being common to all

religious orders. It should be noted with Busemb that the aforementioned faculty, which traveling religious have to confess to any suitable priest, does not apply to reserved cases. 576. — • 40. If the Superiors of religious orders do not grant their subject nuns (or nuns subject to the Bishop) another confessar several times a year, the Bishop can and must grant it to them; and if he does not do so, they can choose one themselves. Quintan., vol. 3, section 26, from a declaration by a Cardinal, apud Bambos. Palud. and others, apud Diam., p. 4, tr. 3, res. 28, n. 2, say the same thing, because, as they say, permission, when granted, can be withdrawn, and unjustly denied permission seems to be granted, or at least presumed, by the will of the Pontiff. But this opinion, as rightly says de Alex., Confess. Mon., c. 6, S. 7, q. 9, is by no means to be admitted: first, because it seems to be disapproved in prop. 13, by Alexander VII, who said: "It suffices for the precept of confession, if one confesses to a religious, presented to the Bishop... but unjustly rejected." Furthermore, it seems to be disapproved in c. Omnia utriusq., section on penance and remission, where it is stated that if someone wishes to confess to a priest other than their own, even with a just cause, they cannot be absolved by him unless they first obtain permission. But then, permission unjustly denied is not considered granted, when it is required only for the execution of the act, for which permission has already been obtained; but not when permission is granted from which the faculty to perform the act is derived, as Pignat., l. 6, cens. 98, n. 44, says. In our case, however, no permission is presumed to have been obtained, since this depends on...

[*Latin ed. p. 417*]

From the approval of the Bishop. From all these things, it appears that the opinion of Busemb is at least very doubtful, and therefore it is not safe in practice. And this seems to be confirmed by the Pastoral Bull of Benedict XIV, issued on August 5, 1748, where § 5 states: "Because if the Bishop were negligent in this matter, so that he failed to provide his nuns with the opportunity of extraordinary confessors twice a year, then we decree that a greater penitentiary, immediately and for the benefit of the nuns... who have not received... an extraordinary confessor, shall be appointed from among those who have been approved by the local Ordinary to hear the confessions of the nuns, with all necessary faculties." From this, it is inferred that if the Bishop neglects to provide an extraordinary confessor, nothing is granted to the nuns except to have recourse to the greater penitentiary. In the same bull, it is decreed that nuns are to be present to hear salutary admonitions, even if they are not obliged to confess to an extraordinary confessor. Also, that Bishops should observe the same with convents. Also, that in articulo mortis, any nun requesting it shall be granted a particular confessor by the Bishop; and if the monastery is exempt, and the regular prelate does not grant it, it shall be assigned by

the Bishop, or, if the Bishop also refuses, by the greater penitentiary, if time permits. Also, that if any nun refuses to confess to the ordinary confessor, another shall be appointed to her by the Bishop, and if the monastery is exempt, by the regular prelate, and if he also refuses, by the Bishop, or the greater penitentiary. The Holy Father exhorts Bishops not to be difficult in granting an extraordinary confessor to nuns who sometimes request it. Deman states that regular prelates of convents are to be obliged to assign an extraordinary confessor twice or three times a year from among those approved by the Bishop to hear the confessions of the nuns, who at least once a year shall be either secular or of another order; otherwise, the Bishop shall appoint him; and at that time, the ordinary shall hear no confessions, neither of the Abbess nor of the novices. 577. Furthermore, regarding confessors of nuns, there are several things to be noted. It should be noted 1. that all confessors of nuns require special selection and approval by the local Bishop, according to the decree of the Holy Congregation, in Alexand. Conf. Mon., chapter 6, § 6, question 4. If, however, the nuns are exempt, their confessors are presented by their own prelates, but are also approved by the Bishop, according to the constitution of Gregory XV, Inscrutabili, which was confirmed by Benedict XIII in the Pastoral Bull of 1726, on March 27. And this is also for the confession of only venial sins, as decreed by the Holy Congregation, in Alexand. ibidem, question 2, note 2. It should be noted 2. that confessors of nuns, after a period of three years, are declared suspended from hearing the confessions of the nuns, unless they obtain permission from the Holy Congregation, according to several decrees of the Holy Congregation, in Alexand. ibid. Question 3. And this also applies to the confessors of convents, according to another decree.

[*Latin ed. p. 418*]

Ibid. However, it is considered probable, according to Alex. ibid., that if a confessor is chosen as a substitute, he can be confirmed in his position for another three years after the time of the substitution, because the prohibition against choosing a confessor for more than three years, as it is odious, must be strictly understood in the case of an ordinary election, not an extraordinary one. He also notes from Alex., q. 4, in fine, that in some places, due to a lack of suitable confessors, Bishops allow them to remain in office for longer than three years. He notes the same from Alexand. with Bordon, q. 6, that sometimes nuns can refuse a confessor appointed by the Bishop, for a just cause, namely, if the confessor is an enemy of some of the nuns, or if he is too strict, etc. Note 3: Vicars General and parish priests are prohibited from being chosen as confessors for nuns, if their care would be notably harmed, as well as all Regular clergy, according to numerous decrees of the Holy See, as cited by de Alex., c. 6, § 6, q. 6. Also, canonical penitentiaries are prohibited, according to another declaration of the Holy See. However, it is considered permissible to choose them if the

Bishop judges otherwise, according to de Alex., q. 7. Note 4: According to a declaration of the Holy See, as cited by de Alex., q. 8, it is prescribed that the confessionals of nuns should be removed from the sacristy, or other hidden places, and placed in the exterior of the church. However, in cases of necessity, it is permissible to hear confessions in another place, provided that the appearance of the confessor and the nun is not indecent, as noted there by de Alex. Note 5: The fee of a confessor cannot exceed two julii for each day, according to a declaration of the Holy See, as cited by de Alex., q. 9. However, he himself says that this does not seem to be in practice. And Diana and Scortia say that if a confessor serves with great patience and diligence, the Abbess may give him something more than the stipulated fee. Note here lastly, that chaplains of the army cannot absolve soldiers living in fortifications without the authority of the Apostolic See, or the license of the Ordinary, according to numerous declarations of the Holy See, which are cited by P. Zacharia in Croix, book 6, p. 2, n. 1518.

DOUBT IV. What is reservation of cases, and who has the power to reserve, and to absolve from them?

578 What is reservation?

578 Q. I. Is a reservation made without a cause lawful and valid?

860 Q. II. Are those ignorant of papal reservations excused from them?

581 Doubt 1. Are those ignorant of reservations made by Bishops excused from them?

Doubt 2. What if an excommunication is attached to episcopal cases?

583 Doubt 1. Can venial sins be reserved?

Doubt 2. Can merely internal sins be reserved?

Doubt 3. What if a sin is externally light, and internally grave?

583 Can Regular clergy reserve cases; and which ones?

Are novelties and familiar examples examples of reserved cases?

[*Latin ed. p. 419*]

584. See what is stated in Busemb.

585. When can a simple confessor absolve from reserved cases?

* Question 1. If the impediment is perpetual, can he directly absolve?

* Question 2. Is the penitent then bound to confess, so that he may receive absolution? Refer to n. 265, v. Question 1.

* Question 3. Does he then have to manifest even non-reserved matters? Refer to the same n. 265, v. Question 11.

586. What if the superior denies the faculty of absolving?

587. From whom can strangers be absolved?

588. Question 1. What if the sin is only reserved in the confession of a particular diocese?

589. Question 2. What if it is only reserved in the homeland? And what if someone leaves the homeland fraudulently? And how is "fraudulently" to be understood?

590. Question 3. Can a stranger be absolved from a censure reserved in the homeland?

591. Question 4. Does a sinner in a foreign diocese, where a case is reserved, incur the reservation? And does he incur an attached excommunication?

592. Question 5. Can a sinner in a monastery, for example, or in a foreign diocese, be absolved in the homeland by a simple confessor?

593. Question 6. Can Bishops absolve strangers from papal cases that are hidden, and grant them dispensations from irregularities? Do Vicars Capitular, and other prelates having jurisdiction as bishops, have the same faculty?

* Note 1. Can Bishops remove a reservation outside of the sacrament?

* Note 2. What if a Bishop falls into a reserved crime?

* Note 3. When is a crime to be understood as hidden? Can a Bishop grant dispensations without reservation to strangers? And in irregularities, etc., to those who are impeded? Refer.

594. Question 7. Does the faculty in chapter *Liceat* apply only to cases reserved before the Council?

595. Question 8. Can Bishops absolve from reserved cases by other Bishops?

596. Question 9. Can Bishops generally grant this faculty? Can they absolve from cases established by a Bull of Communion? Refer to book 7, n. 82, and following.

597. Can a superior ever absolve from reserved cases, and send the penitent to an inferior for penance?

598. Can someone who has been absolved by one who has the power, receive absolution from anyone else regarding reserved cases?

* Question 1. If a penitent confesses in good faith, or forgets a reserved matter, is he validly and freely absolved by a simple confessor?

599. Question 11. Can someone who has confessed to a superior, and forgotten a reserved matter, be absolved by anyone?

600. Question 111. Is a reservation removed by a confession that is invalidly made?

601. Question 14. What if the confession is sacrilegious?

602. Who can absolve from reserved cases? Can confessors? Can Mendicants absolve from cases reserved by Bishops, or by Bishops themselves?

603. Question 1. In a doubt as to whether a penitent has incurred a reserved case, can he be absolved by anyone?

604. Question 1. What if the penitent later recognizes the sin as certain?

605. Question 111. Has someone who sinned in reliance on a license?

606. Question 14. Does the license apply to sins even after those sins were committed?

607. Question V. Are nuns subject to a reservation made by a Bishop?

608. Question VI. Are nuns subject to a reservation made by a superior?

609. Question VII. Can a Bishop, with regard to enclosure, reserve cases for nuns?

610. — • Response 4. This reservation is a denial of jurisdiction concerning a particular sin. It is certain that there is a certain power in the Church to reserve some sins, from which inferior confessors cannot absolve, so that the subjects may be better guided, and refrain from sins, the remission of which they see to be difficult; although, unless there are serious reasons, no one, nor one who has the power, should easily reserve anything.

[*Latin ed. p. 420*]

It is not difficult to grant absolution from reserved cases, lest one cause destruction where edification ought to occur. Furthermore, although any Ordinary possesses the power to reserve cases, custom has abrogated this power in parishes. See Suar. c. 30, sect. 5; Lugo, c. 45, sect. 6, § 3. (Note here the decree of the Holy Council, apud Fogñan, in c. Cum olim, de præscript. n. 24, namely, that prelates possessing quasi-episcopal jurisdiction can rightly reserve cases.) 579.

Here is a question: Does a reservation made without just cause hold validity? Commonly, superiors are said to sin mortally if they reserve cases without a reasonable cause. See Holzm. p. 481, n. 690. However, do they invalidate the reservation? P. Soto, Ledesma, and Henr. argue in this way, apud Escob. l. 16, n. 470, because of the Council of Trent, session 14, canon 7, which states that bishops are given the power to reserve cases, "for edification" (as it is said there), not for destruction. However, Laym. l. 5, tr. 6, c. 12, n. 5, Holzm. d. n. 609, Suar. p. 2, d. 39, sect. 4, n. 8, Lugo d. 20, n. 36, Ciera de cas. res. d. 1, n. 13, and Escob. n. 472, along with Sylv. Fag., etc., commonly and more truthfully argue to the contrary. The reason is that all jurisdiction emanates from the Bishop, who, just as he can grant the power to absolve to his confessors, even to parish priests, so too can he reserve; in every doubt, however, one must adhere to the power of the superior, who possesses it. Lugo and Ciera, however, limit this with respect to parish priests, stating that if a reservation is so extensive that it would morally prevent them from exercising their office, then that reservation is only invalid if it is subsequent and exceeds the bounds. 580.

Here is a second question: Are those ignorant of the reservation of a particular case excused from it? Here, a distinction must be made between cases reserved by the Pope and those reserved by a Bishop. If the case is

papal, it is commonly held among Doctors (Contra Conc. p. 575, n. 20) that those ignorant of the reservation are excused. La Suar. 3, p. d. 29, sect. 2, n. 11, Sanch. Dec. l. 2, c. 8, n. 5, and c. 11, n. 1, and de matr. l. 9, d. 32, n. 18, Mol. t. 1, de just. d. 92, Laym. c. 12, n. 2, Viva de jubil. q. 11, a. 1, Wig. tr. 14, n. 58, Ciera d. 1, n. 29, Croiæ l. 6, p. 2, num. 1614, along with Aversa and Stoz, Tamb. de cas. res. l. 5, c. 5, num. 7, Abelly p. 144, n. 2, Diana p. 5, tr. 9, r. 17, Pal. de pæn. p. 15, § 2, n. 1, along with Vasq. Gon. and Henr. and Salm. tr. 18, de privil. c. 4, p. 1, § 2, n. 9, along with Trull. Vidal, Moya, Caj. Durand, Huri, Gran, etc., apud Croiæ n. 1614, along with Aversa, Gob., etc., and Lugo d. 20, num. 11, and Mazzotta t. 3, 455, along with Bon. Fag., Quarti, etc., hold this to be probable. The reason is that papal cases are primarily reserved because of the censures attached, from which ignorance certainly excuses, as is justly stated in l. 7, n. 33, as is evident from chapter 2, de Constit., in 6, where it is said: "That the dangers to souls may be averted, we will not bind prelates by the sentences contained in the statutes of any Ordinaries, so long as their ignorance is not gross or presumptuous." And although in papal cases, not only censures are reserved, but also...

[*Latin ed. p. 421*]

As sin, as more truly and commonly taught by Sanchez, book 5, number 5, and Suarez, book 1, chapter 8, number 8, following St. Thomas, Paludanus, Gabriel, Major, Navarrus, etc., against Cajetan and the Council of Trent; namely, that no heretic who confessed his sin in good faith to any confessor would remain absolved by him, nor would he be obliged to confess it afterward to a higher authority, which does not seem probable; however, because in cases reserved to the Pope, censure is immediately reserved (as is stated in the bulls, under the penalty of excommunication reserved to us), and the sin is mediately bound by censure, therefore, since sin is indivisible from censure, when censure is reserved, the sin also remains reserved; on the contrary, when censure is the means by which sin is reserved, if the means, that is, the censure, is removed, the sin does not remain reserved. But if someone, knowing of the censure, was unaware that it was reserved, Bon and others, in Mazzotta, book 1, chapter 8, excuse him from the reservation, but Mazzotta, with Quarti, says better that he is not excused, because he has already consented to the penalty of censure, and therefore implicitly to its reservation, and to all the other effects of the same, even if unknown. We have said that papal cases are mostly reserved with censure, but there are two cases to be excepted, which are reserved to the Pope without censure. The first case is, if someone falsely accuses an innocent priest of solicitation before ecclesiastical judges, either by himself, or by causing calumny to be inflicted by others; thus, according to the Constitution of Benedict XIV, which begins with "Sacramentum." The second case is (as the author of the book entitled "Istruzione per li novelli confessori," page 2, chapter 15, number 306, states) if someone receives gifts from Regulars

of either sex, unless he first returns everything, if the gifts are worth more than ten Roman scudi, or, if they are worth less, at least a portion at the discretion of the Penitentiary. But does ignorance excuse from these two cases? See what is said in the following number. Furthermore, Sanchez, in "De Matrimonio," book 1, number 48, and Concinius, book 8, number 82, except the case of someone who promotes or is promoted to orders through simony, according to the bull of Sixtus V. However, speaking of this case, Sanchez, in the aforementioned book, says that the ignorant person does not incur it, because this reservation was imposed as a mere penalty for the guilty; but it is better to say, with Palæo, in the aforementioned book, that he does incur it, because the papal excommunication was later imposed on this crime in the Extravagant of Sixtus V concerning simony.

581. — But it is doubtful: 1. Whether those who are invincibly ignorant of the reservation are excused from incurring cases also reserved by Bishops? There are three opinions. The first opinion universally affirms, and this is held by Ciera, book 1, number 31; also by Paludanus, Graffius, Quintanadus, etc., in Salm, treatise 48, chapter 4, page 1, section 2, number 43; also by Regius, Maldachinus, Bassus, Coriolanus, etc., in Mazzotta, page 455, volume 3; and Lugo, book 20, number 11, considers it probable. The reason, they say, is that reservation, they say, has the nature of a penalty, from which ignorance excuses. This opinion is also considered probable by Salm, ibid.

[*Latin ed. p. 422*]

And Roncag. p. 406. c. 2. q. 4. (and Elbel p. 303. n. 316. Gobat. tr. 7. n. 306. and Spor. n. 735. with others, while they say that one who is ignorant cannot be absolved for the first time). However, Salm. and Roncaglia use a different reasoning: they admit that the reservation is not a mere penalty, but they say that it has the nature of a medicinal penalty, so that people may be deterred from more heinous sins; but those who are ignorant of it cannot be deterred from sinning by the reservation; therefore, when the adequate purpose of the reservation ceases in the ignorant, the reservation itself also ceases. The second opinion, which differs little from the first, and which is held by Joseph de Januar. de casib. reser. res. 1., and which Viva, i.c., and Diana p. 40. tr. 14. r. 63. with Graff. and Nav. consider probable, distinguishes, and says: indeed, a reservation made by the Bishop through a particular precept is incurred; otherwise, if it has been made through a general law, or a synodal statute, as are the cases reserved which are noted in the table. The reason is that in the first case, the reservation has the nature of medicine, and directly concerns confessors; but in the second case, when the reservation is made in a statute, it has the nature of a penalty, and directly concerns the penitents. The third opinion, which is more common, and to which I subscribe, universally denies that the ignorant can be absolved, and this is held by Sanch. de matr. l. 9. d. 32.

num. 18. Pal. tr. 2. d. 1. p. 19. n. 8. Holzm. p. 180. n. 687. Wigandt tr. 14. n. 58. Tamb. de cas. res. c. 1. num. 2. Ant. p. 527. q. 1. Concina p. 563. n. 2. Viva q. 9. a. 3. n. 2. and Croix n. 4608. with others, most commonly. The reason is that the reservation is not a penalty concerning the penitents, but a restriction of jurisdiction concerning confessors, and this does not seem to be doubted; for the Council of Trent, session 14. c. 7. in order to show that priests can do nothing in reserved cases (as it declares at the end there), begins with these words: "It ought to be of no importance that the absolution which the priest imparts should be valid, in him to whom he does not have ordinary, or delegated (note) jurisdiction." However, it seemed very important to Our Holy Fathers that certain more heinous crimes should not be absolved by anyone, but only by the highest priests. Therefore, priests can do nothing in reserved cases, because they lack jurisdiction over them, while the Bishop reserves the judgment of certain more serious crimes to himself for the public good. It is therefore clear that the reservation directly concerns confessors, not penitents. It does not, however, contradict this to say that although the reservation concerns confessors, and limits their jurisdiction, the purpose of the reservation directly concerns the penitents, since the reservation is instituted only for the benefit of the penitents, so that they may be deterred from more heinous sins: therefore, when the adequate purpose of the reservation ceases in those who are ignorant of it, the reservation itself also ceases. For it is answered that the purpose of the reservation is not only to deter the faithful from more serious sins,

[*Latin ed. p. 423*]

But also (as Fagnan rightly says, in *c. Omnis, de pæn. et rem.*, n. 90, with others), so that they may receive from their superiors penances, admonitions, and more suitable remedies, which can only be applied by the more prudent; therefore, when the end of the reservation is not adequately achieved in the case of the ignorant, the reservation does not cease.

Question 2: Are the ignorant excused from a case reserved by the Bishop, if the case is accompanied by excommunication?

It is certain that ignorance excuses from excommunication; the question is, whether it also excuses from the reservation of the case itself? The first opinion affirms this, and Wigandt (*tract.* 14, n. 58), Ciera (*d.* 4, n. 31), and Fagund, Bonac, Quarti, Aversa, and Jan, apud Mazzotta (*t.* 3, p. 455, v. 2), hold this view. The reason is that when excommunication is attached to a case, the reservation becomes indivisible; therefore, he who does not incur excommunication, does not also incur the reservation of the sin.

The second opinion, which is truer, denies this, and Tamborini (*de cas. res.*, c. 5, n. 7), Suarès (*de pæn.*, *d.* 29, sect. 2, n. 44), Laym (*l.* 4, *tr.* 5, p. 2, c. 6, n. 40), Croix (*l.* 6, p. 2, n. 1644), with Stoz and Mazzotta (*l.* c., with Merol, Bossio, and others), hold this view. The reason is that papal cases differ from episcopal cases; in papal cases, indeed, the censure

is primarily and indivisibly reserved; in episcopal cases, on the other hand, the case itself is primarily and intrinsically reserved, and the censure is attached to it, so that the sinners may be more strongly bound, and deterred from sin by a double reservation; and therefore, in the table of cases reserved by Bishops, they are noted as follows: "Cases reserved, to which excommunication is attached."

1. Since there is no obligation to confess venial sins, those sins are reserved in vain, even if they could perhaps be reserved, at least by the Pope; therefore, only mortal sins, and those only of a more serious external nature, are prudently reserved after they have been consummated. (Hence, incest or sodomy outside of marriage is not reserved; see Mazzotta, *t.* 3, p. 592, n. 9, and p. 549. Furthermore, reserved sins must be perfect in their species; hence, imperfect sodomy, e.g., a man with a woman, is not understood to be reserved, as Contenson, *Tourn. de 6. decal.*, præc. art. 6, sect. 2, in initio, with Azor, Sylvio, Conc., etc., from D. Thomas, 2-2, q. 154, art. 1, where access to the other party is required for sodomy.)

552. — Here, the question is raised: Can venial sins be reserved? Vasquez denies this, apud Croix, n. 1604. But it is commonly affirmed by Holzmüller, p. 482, n. 692, Conc., p. 559, n. 2, Ciera, n. 63, and Croix, *l.* c., with Suarès, Lugo, Conc., Fill., Dic., and Aversa. The reason is that although there is no obligation to confess venial sins, nevertheless, they cannot be remitted through the sacrament of penance, unless they depend on the jurisdiction of the Church, which can well deny or limit this.

Question 2: Can purely internal sins be reserved? It seems that this should be denied, since internal sins, being hidden, are not subject to judgment.

[*Latin ed. p. 424*]

The Church does not judge concerning reserved matters. However, it is commonly and correctly affirmed by Elbel, n. 342; Viva, quaest. 9, a. 2, n. 1; Antoine, p. 527, q. 1; and Croiae, num. 1605, with Suarez, Vasquez, Bonaventure, Soto, Sylvio, etc. The reason is that all sins, even internal ones, are absolved by the power of jurisdiction, which the Church (which has the power to grant jurisdiction) can rightly restrict. Therefore, the Church, by reserving certain sins, does not judge concerning them, but concerning the absolution from them, which is an external act. However, Tamburini, de casibus reservatis, l. 5, c. 4, n. 13, notes that the Church has never been accustomed to reserve such internal sins.

Doubt 3: Does a sin that is externally light fall under reservation if it is internally grave? Turrianus affirms this in Select Disputationes, p. 3, d. 31, dub. 71. But others more truthfully and commonly deny this, as Lugo, d. 20, n. 15; Suarez, de relig., l. 2, c. 18, n. 12; and Ciera, d. 1, num. 69, with Granada, Bonaventure, Hering, Sanch, and others, state. The reason is that, although the external act absorbs all the malice of the internal act and

deserves eternal punishment, a different principle applies regarding reservation, because those who hold for reservation do not intend to reserve sins unless they are externally consummated, since they do not usually reserve internal sins.

"Therefore, Clement VIII decreed that superiors of religious orders, if they wish, may reserve only eleven cases, and no more without the consent of the general chapter for the entire order, or the provincial chapter for the province. However, this is to be understood only concerning guilt, and not concerning censures; for the superior can impose something under a censure reserved to himself." (However, it is more commonly and probably held that superiors cannot impose censures on any case; thus, Lugo, d. 20, n. 47; Sanch, l. 6, c. 1, n. 15; and Holzmüller, p. 184, n. 688, with Diana, because this would be indirectly wanting to reserve, and to evade the prohibition of Clement. And on this matter, Contenson, Tournely de pænit., part. 2, cap. 8, art. 4, sect. 5, n. 553, cites the decree of the Sacred Congregation of Bishops, dated July 7, 1717).

The cases of Clement are as follows:

1. Apostasy from the religion, even while retaining the habit.

2. Nocturnal and furtive departure from the monastery.

3. Witchcraft, incantations, and sorcery.

4. Acquisition of property against the will of the poor, which is a mortal sin.

5. Mortal theft of goods belonging to the monastery.

6. Voluntary carnal act consummated.

7. False oath in a legitimate court.

8. Procuring, counseling, or assisting in an abortion of a living fetus, even without effect.

9. Killing, wounding, or seriously harming any person.

10. Forgery of the hand or seal of official documents of the monastery.

11. Malicious impediment; withholding or opening letters from superiors to inferiors, or vice versa.

It should be noted that religious who are exempt are not subject to the reservation of the Bishop, nor are their novices: Mazzotta, t. 3, p. 458, q. 5, neither.

[*Latin ed. p. 425*]

Concerning those who are bound by reserved matters, as is stated in the bull of Clement VIII, they are, provided they are present as if they were of the family, and continuous companions, as Bordon states concerning the students of monasteries. If, however, a novice should fall into a reserved matter before entering, he will not be able to be absolved by any secular confessor, but he can be absolved by a confessor of the religious order,

due to the privilege granted to religious orders. Mazz. l. c. with Sanchez, Tumb., and others. 584. — "2. He who confesses reserved matters must be sent to a superior (although charity will suggest, and sometimes even compel, that the confessor himself, in secret, and by means of a pretext, request absolution from the superior) (However, in general, it is advisable that the confessor refrain from taking on such a burden, as Tamb. states in Methodus Confessionum, chapter 9, section 4). If the superior cannot be reached, and there is an urgent reason, such as the fear of infamy or scandal, or the omission of confession or communion, then the inferior can absolve from reserved matters, with the condition that the penitent present himself to the superior afterward." (See de censur. lib. 7. n. 91.). This is also true, even if the case involves a reserved matter attached to censure. (Indeed, this is certain from c. De cætero, and c. Ea noscitur, concerning excommunication. See lib. 7. n. 86.). "Furthermore, it is considered probable by Soto, Corduba, and Gabriel Antonius Palaus, in Dian. t. 2, tract. 4, res. 104, and Lugo, d. 14, de Euchar. n. 86, that it is sufficient to confess only sins that are not reserved matters; St. Thomas does not disapprove of this; however, Suarez and others teach that everything must be confessed, which is the safer course. 585. — Therefore, when there is an impediment, and a serious reason for confession is present, any confessor can indirectly absolve from reserved matters imposed by the Bishop (but also from reserved matters imposed by the Pope, if the Bishop cannot be reached, as we said in n. 563, dub. 2). This is commonly stated by Laym. c. 12. n. 10, Suarez, d. 31, sect. 3, n. 3, Pal. p. 15, Conc. p. 558. n. 10, Wigandt, tr. 14. n. 76, Viva, g. 9, art. 2, n. 9, Elbeln. 372, Bon. par. 5, §. 3, n. 5, and Ciera, n. 74, Salm, de pæn. c. 13, p. 6 n. 74, with Coninck, Rodr., Henr., etc. And this is true even if the sin is reserved with excommunication, as Suarez states, d. 31, sect. 2, Fill. n. 303, Salm, ibid. num. 75, Ciera, l. c., with Lugo, and Bon. ibid. with Vasq., Cano, and Led. (contrary to Nav., Sa, etc.). See the statements in n. 265, qu. 3. We have said 1. that if there is a serious reason, namely, if the superior cannot be reached without scandal or infamy (as Conc. and Wigandt state), or without great difficulty; for example, if the one with the power is far away (as Laym., Elbel, and Bon. state); and on the other hand, there is an urgent need to receive communion, or to fulfill the precept of annual confession, or to avoid remaining in mortal sin for a long time; as all the aforementioned authors commonly state. We have said 2. indirectly, from which (according to the more probable opinion, mentioned in n. 265, qu. 1), the penitent is bound to confess to a confessor who does not have the power.

[*Latin ed. p. 426*]

Having reserved sins, one must confess other mortal sins that are not reserved, so that one may be absolved directly from these, and indirectly from the reserved sins, and then, when the impediment is removed, one is

bound to confess the reserved sins to a confessor who has the power to do so, according to what is said in *Dubia* following, and in *De Censoribus*, book 7, number 91. And likewise, if one does not have another mortal sin that is not reserved, and one doubts about contrition, when the precept of confession is urgent, one is bound to confess at least some venial sin, or a mortal sin previously confessed. See what is said in number 265.

Doubt 1: Can an inferior directly absolve a reserved sin without censure, if the impediment to approaching a superior is perpetual, so that the penitent is thereby relieved of the obligation to approach the superior in the future, if the impediment ceases later?

Sanchez, in *Decisiones*, book 2, chapter 43, number 24, and Salmeron, in *De Censoribus*, chapter 2, page 4, number 46, affirm this, because (as they say) there is no legal obligation to present oneself to a superior for reserved sins without censure, which are considered to be directly absolved in that case.

However, Suarez, in book 30, section 3, number 8, Layman, chapter 12, number 10, and Ciera, number 164, with common opinion, teach a truer doctrine, that no inferior priest can directly absolve from reserved sins except in the case of imminent death. For (as the Council of Trent, session 14, chapter 7, says), priests can do nothing in cases of reserved sins except in the case of imminent death. This, however, applies to episcopal cases, for the rule of law is (as Suarez rightly says) that whenever access to the Pope is not possible, the penitent may then be directly absolved by the Bishop, or, even if there is an impediment to approaching the Bishop, by any confessor, with the obligation to present oneself to the Pope in the future, when possible, if the impediment is not perpetual; but if it is perpetual, one is entirely released, according to what is said in book 7, number 88. Regarding the absolution of these papal cases for those who are prevented from approaching the Pope, see what is said in *De Censoribus*, book 7, number 84.

Doubt 2: Does one who has a reserved sin, if the confessor who has the power to absolve is absent, have to confess to an inferior, when there is an urgent need to receive Holy Communion?

Although a negative answer is not improbable, the affirmative answer is more common and more probable, because confession must be made before Communion, at least formally, when it cannot be made materially. See what is said in number 265.

Question I: Is a penitent who wishes to confess to an inferior bound to then reveal both reserved and non-reserved mortal sins? See ibid., question II, where we said that a negative answer is probable, unless the revelation of reserved sins is necessary so that the confessor can correctly judge the disposition of the penitent and prescribe appropriate remedies. Therefore, if the confessor asks, the penitent is absolutely bound to reveal even the

reserved sins, for (as Lugo rightly says, in book 16, number 123), although the penitent is sometimes not bound to reveal anything on his own, he must nevertheless disclose it if the confessor asks, because the confessor has the right to know the state of his conscience, both as a judge, so that he may correctly...

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To judge of the disposition, so that, as a physician, he may apply the appropriate remedies. And this seems to align with what is taught by D. Thomas, Supplement 3, question 9, article 2, section 4, where he says: "Even if a priest cannot absolve from all sins, he is nevertheless bound to confess everything to him who is penitent, so that (note) he may know the extent of the entire guilt." 586. - • 3. If a superior unjustly denies the faculty of absolution from reserved sins, Henriq. and Diana, page 2, volume 4, resolution 29, state that it is probable that one can be absolved directly by another confessor. But Laym. book 3, treatise 6, chapter 43, Card. de Lugo, book 29, number 188, more correctly deny this. • (And I believe that this latter opinion should be held, as supported by Lugo, book 20, number 148, Laym., chapter 43, number 3, Salm. de pæn., chapter 43, page 4, number 62, and Ciera, book 1, number 126, along with Suar., Soto, Alen., Med., etc. The reason is that, according to the Council of Trent, as mentioned above, inferior priests cannot grant absolution from reserved sins; and just as an unjust reservation is invalid, so too is an unjust denial of the faculty.) 4. Superiors sin if they are unduly difficult in granting licenses for absolution from reserved sins. Quintan., volume 3, number 13, from Fag., Council, and others, 40. And if, from the denial, a serious detriment to the subject is feared, they sin against charity and justice. Lugo, Diana, page 6, volume 6, section 66. • (Therefore, Ciera, book 1, number 409, with Suar., from D. Thomas, states that a superior should not be unduly difficult in granting the faculty; and therefore, he sins if he denies it, in the case where he knows that the penitent cannot in any way be led to approach him.) 5. If a superior denies a regular confessor the faculty of absolving, and the confessor judges that it should be granted, then he can absolve in this instance. Avers., question 17, section 5. Lugo, book 20, section 4, referring to Clement VIII having declared this, and it is found in the fourth volume of the Bullarium, bull 26 of Urban VIII. • (Thus, also, Salm., ibid., number 63, with Gabr. and Viva, question 9, article 4, number 7, who notes that this faculty is granted for this instance only, as often as the need arises. And on this matter, Cont. Tourn., loc. cit., number 551, quotes a decree of the Sacred Congregation regarding the consent of Urban VIII.) • And Quintan., volume 3, section 14, says that there is no doubt about this matter, and adds that, from others, it is probable that the same can occur if a superior unjustly denies the faculty to a religious man who is pious, learned, and prudent, even if he is not among those specifically designated. Diana, page 3, resolution 426, and

paragraph 6, volume 6, resolution 56, and paragraph 9, volume 3, section 45, from Pelizzario (who believes that this is the same if the penitent himself requests it), and others. Indeed, Quintan., in the same place, believes that the same can be done if the superior cannot be reached, and the time for celebration or communion is pressing, for example, because without absolution he cannot abstain, while all others are communicating. Ibid., from Trull. and others, 6. Finally, Diana, page 2, treatise 2, resolution 26, notes from Suar., de relig., book 2, chapter 45, that religious can be absolved from reserved sins once, without the license of their superiors, provided that they still, and to the extent that, they have this common privilege with the Regular Canons, of which Emmanuel Rodr. testifies in volume 1, questions of Regulars, question 62, article 6.

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6. Nevertheless, it is certain that, for just reasons, a superior can sometimes deny the faculty to absolve, and can compel a subject to come to him. Card. de Lugo, loc. cit. For if, in a reserved case, a grave scandal or damage to the community is feared, the superior can deny absolution until the penitent, either by himself or through his confessor, gives the superior sufficient information to avoid it; otherwise, he is not sufficiently disposed, nor prepared, for absolution. Therefore, if the confessor urges absolution in such a case, he must see to it that the penitent fulfills his obligation by employing a remedy for the common good or damage, if there is such a danger, because, if he does not do so, he cannot be absolved, not because of a defect in jurisdiction, but because he is not disposed. However, this requires that the obligation of the penitent be certain, and that other remedies cannot be applied. Suar., de rel., lib. 8, cap. 5, no. 10, p. 587.

7. A pilgrim, with regard to reserved cases, is to be judged according to the diocese in which he is located; in that diocese, the pastors learn from practice or custom what is reserved. The question arises: can a pilgrim, leaving for another diocese, be absolved there from reserved cases? If the sin is reserved in both dioceses, it is commonly held among all that one cannot be absolved by any confessor; thus, commonly, Suar., d. 30, sect. 1, no. 6; Nav. Man., cap. 17, no. 261; Lugo, d. 20, no. 69; Bon., d. 5, q. 7, par. 5, § 2, no. 9, and others, passim. However, it is said that one can be absolved by a confessor who has the faculty to absolve in reserved cases, Suar., Bon., and Lugo, loc. cit., and P. Milante, in prop. 12, damnat. ab Alex. VII., p. 102, and Viva, q. 9, a. 3, no. 5, in fine, with the common opinion, because (as Suar. says) such a penitent is to be judged, with regard to confession, as an inhabitant of that diocese.

588. But it is doubted: 1. Can a pilgrim be absolved by a simple confessor, having a sin that is reserved in that diocese, but not in his own country? The first opinion affirms, which is held by Fagund. and Stoz, apud Croie, no. 1631, and Solus, apud Viva, q. 9, art. 4, no. 4, v., and Equidem (who

considers it probable), and others, apud Suar., d. 30, sect. 1, no. 6. The reason is that the pilgrim must be judged according to the laws of his superior, with the tacit consent of the local confessor, who absolves him. The second opinion denies, and this is held by Suar., loc. cit.; Lugo, p. 20, no. 72; Bon., part. 5, § 2, no. 11; Concina, p. 570, no. 4; Wig., tr. 14, no. 58; Ciera, d. 1, no. 61, and Salm., de pæn., cap. 13, p. 3, no. 26, with Villal., Dian., Aversa, and Dicast., and Viva also considers it probable, loc. cit. The reason is, first, that the pilgrim must conform to the laws of the place in which he submits to sacramental judgment; second, that, just as such a penitent benefits from being able to be absolved by any confessor from sins reserved only in his own country, as we will say in the following question; so too, he must experience the inconvenience of not being able to be absolved from sins reserved.

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In matters of confession. And thus, the Sacred Congregation of Bishops decided on November 17, 1616, as cited by Pitton, in *De Confessione*, number 620. This opinion is indeed more common and far more probable, because, as the current custom dictates (as will be explained shortly), pilgrims are absolved everywhere by any approved confessor. Today, they are not absolved at the will of their own bishops, but at the will of the Church, which, by approving such a custom, grants them the faculty to be considered as inhabitants of the place where they confess. However, when a reservation (as we have demonstrated in number 581) pertains to confessors, not to penitents, the local confessor cannot absolve them from a sin in which his jurisdiction is limited by his Ordinary.

589. — It is doubted: Can a pilgrim be absolved from a sin that is reserved only in his own country? The first opinion denies this, and this is held by the Author in *De Officio Confessorum*, in the work by Croia, book 1, chapter 1, article 2, question 18; also by Vega, Comitola, Nugnus, and Megala, in Dian, part 1, tractate 4, response 103; and by Soto, Fag. Graff., etc., in Salm, *De Pænitentia*, chapter 13, page 3, number 23. The reason is that, since a pilgrim is absolved by the license of his bishop, it does not seem credible that the bishop, who reserves a case within his diocese, would not also reserve it outside of it.

The second opinion, however, is the most common and truer, and it is held by Lugo, decree 20, number 71; Suar, decree 30, section 1, number 4, with Cajetan, St. Antonin, and Palud; Concina, page 570, number 4; Roncag., page 406, question 1, response 2; Mazzotta, volume 3, page 470; Croia, number 1631; Cabassut, book 3, chapter 12, number 1, with Vasquez, Bonac, and Salm, ibid., number 24, with Prepositus, Gabr., and Henr., etc. The reason is that, according to the universal custom, pilgrims, with regard to confession, are considered as inhabitants of the place where they are. This custom has been approved by the consent of prelates, and especially

by Eugene IV, who (as Lugo and Salm II state) approved that those who are genuinely present in another diocese should conduct themselves in order with regard to confession as if they were inhabitants of that place.

It is very reasonable that such a custom exists, otherwise confessors would hardly be able to absolve any pilgrim, since it often happens that neither the penitents nor the confessors know the cases that are reserved in another diocese. This is confirmed by the *Superna* bull of Clement X, issued on June 24, 1670 (related in detail in Croia, book 6, page 2, number 1502), in which it is stated: "It is possible for a religious confessor, in the diocese in which he is approved, to absolve those coming from another diocese from sins reserved in that diocese, but not from those reserved in the diocese where the same confessor is approved, unless he knows that the same penitents have migrated to another diocese in order to obtain absolution, fraudulently circumventing the reservation." This limitation applies not only to religious confessors, but also (indeed, even more so) to secular confessors, as Croia, number 1634, *Viva*, question 9, number 2, article 4, and Roncag., page 406, question 1, response 2, state, based on the declaration of the Sacred Congregation in Dian.

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How, then, should that phrase be understood in relation to the circumvention of a reservation? There is much disagreement among the Doctors. P. Conc. p. 570, n. 4, states that it should be understood if it is not done with good intention; and in this, all agree, but it does not explain where the circumvention lies, which is the point of difficulty. Others, as P. Mazzotta, vol. 3, p. 470, at the end, with Tamb. and others, explain that it is indeed a circumvention if the case is brought before a contentious forum, but not if it is concealed; but this explanation does not seem appropriate, since the Pope does not speak of an external forum, but only of a sacramental one. Others, as P. Milante in prop. 12, from the decree of Alexander VII, p. 102 (to which Wigandi, tr. 14, n. 60, also consents), explain it thus: "A penitent is said to migrate in circumvention of a reservation when he has sinned with the intention of obtaining absolution, where the reserved sin was not." But if, after committing the crime, he goes elsewhere to be more easily absolved, he is not considered to be acting in circumvention, because there is no deceit involved, but rather a reason of greater facility in leaving his diocese; not unlike if he were to go to another diocese where the same sin was reserved, but where there are more confessors from whom he could obtain absolution. And so also thinks Palaus, tr. 3, d. 1, p. 24, § 5, n. 4, with Basil. de Leone (to whom Salm. de leg. c. 3, p. 3, § 2, n. 63, at the end, adheres), when he says that one who has reserved cases can travel with the intention of hearing other confessions. But I cannot agree with this explanation, namely that it should be understood as circumvention in the case of a sin committed with the intention of obtaining absolution,

since the Pope prohibits the absolution of those who migrate to another diocese in circumvention, not those who sin in circumvention. Others, as Passerin, vol. 1, q. 187, art. 1, n. 562, and the author of the book (Istruz. per li novel. confess. part. 2, cap. 22, n. 503), and Campione, p. 63, n. 48, say that a penitent migrates in circumvention if he leaves for the sole purpose of obtaining absolution, without any other reasonable motive. Finally, others, as Lugo, d. 20, n. 70, with Fagundez, Ronc., p. 106, quest. 1, r. 2, and Viva, quest. 9, art. 3, n. 4, with Portel, explain that it is indeed a circumvention when someone seeks a diocese other than his own for the primary purpose of obtaining absolution, and to avoid the judgment of his own pastor. The reason is that circumvention is said to occur where the law is made elusory, as Barbosa says, in axiom 102, n. 4. The law of reservation would be eluded if the penitent were to go elsewhere for the primary motive of obtaining absolution. Therefore, he can rightly be absolved if he is absent from his diocese for some honest reason, such as conducting business, or to obtain indulgences; or to confess with less inconvenience, or to make a quicker confession; or to find a confessor who is unknown, or more prudent, who can better guide him, and consult the tranquility of his conscience, and similar things. Otherwise (as we said), if he goes there for the primary purpose of avoiding the judgment of his superior, or to be more easily absolved. And it will not benefit this penitent that he believes that it is not forbidden to him; for although he may not migrate with circumvention,

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It would, however, constitute a fraud against the reservation. And this is what Roncag. p. 406, question 2, states: that it proceeds even if the penitent were to approach any confessor having the power to grant absolution from reserved sins, because in that case, the same fraud would intervene. Mansi also says in *de casib. res.* p. 1, question 1, number 49 (to which Ronc. adheres, ibid.) concerning one who, with the intention of obtaining absolution there later, commits a reserved sin in a foreign land, thereby defrauding the reservation. But I do not adhere to this, because here, the person is not already moving in order to defraud the reservation for the purpose of obtaining absolution, as is stated in the bull of Clement (as mentioned above, book 589), but rather is moving elsewhere in order not to incur the reservation. 590. — Objection 3. Can a penitent be absolved from a censure outside the diocese, if that censure is reserved only within the diocese? Some, such as Passer. t. 3, question 487, number 470, and others, affirm this. But Wigandt, treatise 14, number 59, and Roncag. p. 406, question 1, reply 2, more appropriately deny it. The reason is that the entire power of a simple confessor to grant absolution from censures is derived from the decree *Nuper*, concerning excommunications. However, in that decree, it is stated that a simple confessor cannot grant absolution from censures when they are reserved; therefore, a simple confessor has no power in

reserved censures. 591. — Objection 4. If a traveler commits a sin in another diocese, where that sin is reserved, does he incur the reservation, and can he not be absolved there unless by someone with the power to do so? The first opinion denies this; and this is held by Pelliz. *Diana*, and others, as cited by Mazzotta p. 457, who considers it probable; because travelers (as they assert, citing Sanch. Azor, *Con.*, etc.) are not subject to the laws of the place in which they are, unless they have there, at least, a quasi-domicile. However, the second opinion, which is more probable, affirms this, as held by the same Mazz. in the aforementioned passage, and by Aversa, question 47, section 3. The reason is: firstly, that although a traveler is more likely (as we said in book 1, number 456) not to be subject to the laws of the place through which he passes, nevertheless, with regard to that particular sin, he is subject to the laws of the place where he commits the sin; secondly, and more strongly (as we said in number 588), the confessor to whom the reservation applies cannot absolve a traveler unless within the limits of the jurisdiction that he has from his Ordinary. Therefore, this traveler incurs the reserved case, but he does not incur the excommunication attached to it, as more truly say Conink, d. 13, doubt 7, number 58; Suar. *de censur.*, d. 5, section 1, number 8; Salm., ibid., title c. 1, p. 9, number 447, along with Sylvest. Avila, Covar., and Mazzotta in the cited work, and t. 4, p. 263, along with Sayr. (contrary to Abbat. Graff., etc.), and they prove this from chapter A nobis 21, concerning excommunications, where it is said: "Only those who are subject are included under the general excommunication imposed by the Bishop for future offenses." The reason is that excommunication cannot be imposed except on those who are subject and contumacious; but travelers, although they may become subject by reason of sin, cannot be said to be contumacious, since they were not subject before the sin. And this is true whether the excommunication is imposed by

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The censure may be imposed either in a particular manner, or by a general statute; for foreigners are not subject to these censures, unless they have established domicile, or quasi-domicile, in the place where they are imposed, as Salm. de censur. states ibid. nos. 446 and 447, with the opinions of Sanch., Lessius, Sylv., Bon., Candido, Sayr., Avila, and Covar. (See above, book 4, no. 456). Mazzotta, however, in his work, excludes excommunications imposed by statute concerning the common good of the territory, etc. (See above, book 4, no. 457, 592).

5. It is doubted whether a person sinning within a diocese, but in a monastery exempt from episcopal jurisdiction, incurs a reserved penalty. The first opinion denies this, and Baucius and Henriq., in Diana, page 40, treatise 14, reply 7, hold this view, considering it probable. The reason given is that, as they say, a reservation is not incurred when the sin is committed where the reservation itself is not in force. The second, more

common opinion, which we adopt, affirms this, and is held by Suar. de censur. book 5, section 4, no. 6; Con. dub. 43, ibid. title, doubt 7, no. 63; Palm. book 4, treatise 3, book 4, page 24, § 5, no. 30; Fill. treatise 11, no. 149; Concina de pænit. page 570, no. 5; and Bon. de cens. question 4, page 11, no. 8, and Diana, in his work, with Bord., Salas, Pasq., Vidal, etc., consider it probable. The reason given is that monasteries of regular canons, even though exempt in regard to persons, are not exempt in regard to place. But this reason is not entirely convincing, because, as we have said (book 4, no. 457), it is probable that such monasteries are also exempt in regard to place, since the Council of Trent, in session 14, chapter 5, de Reform. in fine, speaks of both persons and places exempt. My own reason is stronger, because a reserved penalty (as we have said, no. 581) does not regard the penitent, but the confessor to whom jurisdiction is limited; therefore, the confessor, who cannot grant absolution to this penitent except by the authority of his own bishop, cannot absolve him, since the same bishop has limited his authority. And for the same reason, the same should be said concerning Ronc. page 106, question 4, reply 4; Con., in his work; Salm. de pæn. chapter 13, page 3, no. 26; Lugo, book 20, no. 72, and others, if such a penitent commits a sin which is reserved in his own country, in a diocese where the reservation does not exist; he will indeed not be able to be absolved in his own diocese by a simple confessor.

593. It is doubted whether bishops can absolve pilgrims within their diocese from papal penalties, and grant them dispensations in irregularities and suspensions reserved to the Pope. Regarding this dispensation, it has been decided by Gregory XIII (as Fayn. reports in c. Dilectus, de tempore ord. no. 36, page 375) that a bishop cannot grant dispensations to foreigners, even if these foreigners are performing the office of a judge or a physician in his diocese. Regarding absolution from penalties, it is commonly held among Doctors that a bishop can properly absolve pilgrims from papal penalties, provided they are hidden, by the authority of the Council of Trent, in chapter Liceat, session 24. Thus, Suar. de pænit. book 30, section 2, no. 3, and de censur.

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41. Section 2, number 12. Sanch. Dec., book 2, chapter 44, number 8, and ad 47, and de matr., book 3, title 23, number 12. Bon. de cens., book 4, question 3, paragraph 2, number 5, and Barbosa in Trid., book, chapter, number 43, with Henry Zer, Garz, Naldo, Duardo, Navar, Boss, Marchino, Trull, Homob, etc. It does not impede that the Council has granted this faculty to Bishops only with regard to those who have committed offenses and are subject to them; for, as the aforementioned authors rightly say, those who are subject are also considered to be such pilgrims who are subject to the Bishop of the diocese in the forum of penance. And this is confirmed by Suar., book, chapter, on censures, number 40, where it is

stated that the Sacred Congregation declared that a person absent from his diocese can be absolved by the Bishop of the diocese in which he resides, and not by his own Bishop, giving the reason that the Council, in the aforementioned chapter, speaks of sacramental absolution in the forum of conscience, which requires presence. The same faculty is held by Vicars Capitular when the See is vacant, as is commonly stated by Sanch. Dec., book 2, chapter 44, number 13, Croix, book 7, number 135, and Salm. de cens., book 2, paragraph 5, number 54, with Bon., Henry, and Avila. But do Abbots and other prelates who have jurisdiction quasi-episcopal also have the same faculty? Concina denies this, page 571, number 8, Barbosa in Trid., session 24, chapter 6, number 7, with Garo, Gav, Led, and also Suar., in book 3, part 4, title 30, section 2, number 6, from a certain declaration of the Sacred Congregation, where it was said: In this decree of the Council of Trent, those who have ordinary and quasi-episcopal jurisdiction are not included, but only the Bishops themselves. The reason is that this faculty is specifically granted to Bishops, and in grants, a strict interpretation must be made. However, Sanch., in the aforementioned place, number 5, and de matr., book 8, title 3, number 9, Croix, book 7, number 144, Salm., book, chapter, with Henry and Avila, Fagnan, in cap. Accedentibus, de exces. præl., number 29, and also Sayr, Duard, Pal, Portel, Trul, Boss, etc., apud Barb., in the aforementioned place, affirm this. The reason is that, as Fagnan proves, prelates who have quasi-episcopal jurisdiction are also subject to the Bishops in a private manner; and that, when a concession is made in law, it has the force of law, which must be extended to all cases where the same reason applies: and the same reason undoubtedly applies both to Bishops and to such prelates, because otherwise their subjects would have no one to whom to turn for absolution in the aforementioned cases. Sanch. says that it does not impede the declaration of the Sacred Congregation, because it is not certain that it is authentic, and that it does not necessarily stand. Do regular prelates have this faculty with regard to their subjects? Sanch. affirms this, number 13, etc., apud Barb., allegation 39, number 48, citing the Bull of Pope Pius V. But Croix, book, chapter, with Dicast., from the decree of the Sacred Congregation, and Mendo, ibid., refutes this Bull. It should be noted here that, from the aforementioned declaration of the Sacred Congregation (contrary to what Salm. says, cited, number 54, with Suar., Sanch., Bon., etc.), it has been decided that Bishops cannot, outside the sacrament of penance, absolve from the aforementioned papal cases. And this is confirmed by Fagnan, in cap. Dilectus, de.

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Order n. 36, p. 375. It has also been declared by Gregory XIII. Note 2. It has also been declared by the Sacred Congregation (in Fagnon, ibid., n. 34) that if a Bishop falls into some crime mentioned in the aforementioned canon, he may appoint his own confessor, even if that confessor is outside

his diocese, to absolve him, with the same authority with which he himself could absolve those subject to him. Note 3. The same Sacred Congregation declared (in Fagnon, n. 37 and 38) that it is not lawful for the conscience of one who is absolved or dispensed by his own Bishop in cases, or irregularities, or suspensions incurred by a crime committed before two or three witnesses, because the Council of Trent uses the term "occult," which properly means that which cannot be proven. And so also think Graff, Garcés, and Armendariz, in Barbos, on the 24th session of Trent, canon 6, n. 25, asserting that something is "occult" if it cannot be proven. But others commonly say that something is "occult" if it is not notorious, and if it can be concealed by some prevarication, even if it can be proven by some witnesses; thus Suarez, vol. 4, part 13, section 2, n. 2; Sanchez, on marriage, book 8, part 34, n. 55; Bonaventure, on censures, part 4, question 3, p. 2, n. 4, with Avila, Rega, Azor, Contin, Tournhem on censures, part 1, chapter 5, article 1, response 3. Bishops can, with Sayr and Salm, on censures, chapter 2, p. 5, n. 59, with Pal, Henry, Pell, etc., also Barbos, in the aforementioned place, n. 26, with Moller, Comiti, Fagnon, Gavotti, Vivaldi, Vega, Sa, Guit, Piasecki, Ugolini, Duard, Marchin, Boss, and countless others from the Glossary in Contin Tournhem, who says: "sometimes it is said to be occult, that which can be proven." Hence, Sanchez and Contin Tournhem, Bonaventure with Avila, Azor, and Rega, and Salm, in the aforementioned place, with Pelliz, Henry, Pal, etc., teach that a crime is said to be public when it is known by the majority of the town, neighborhood, or college, provided (as Sanchez and Salm say in the aforementioned place, and Contin Tournhem) that there are at least ten people present. But can a Bishop grant dispensations to foreigners regarding vows? And if someone is impeded from approaching the Pope due to urgent necessity, can he also grant dispensations regarding irregularities and impediments to marriage? See the aforementioned, book 4, on laws, and book 4, on vows, n. 262 and n. 332, 594. — Doubt 7. Is the authority granted to Bishops by the Council of Trent understood to be only for cases and irregularities reserved to the Pope before the Council? Floron and Garcias, in Dian, p. 7, treatise 2, response 20, affirm this, based on a declaration by Gregory XIII, where it was said that a Bishop cannot absolve a nun who breaks her enclosure from excommunication reserved to the Pope due to a bull of Pope Pius V. From this, they infer the same regarding other excommunications imposed after the Council of Trent. But Sanchez, in Decrees, book 6, chapter 45, n. 76, with Sorbon, Bonaventure, on the enclosure of nuns, vol. 4, question 4, p. 5, n. 4, p. 692, and on censures, part 4, question 3, p. 2, n. 4, Delbene, on ecclesiastical immunities, book 8, doubt 16, Renzi, vol. 2, p. 285, with Suarez and Mazzarello, p. 460, and Dian, responses 20 and 22, strongly deny this.

[*Latin ed. p. 435*]

With Bossuet and Bossuet, Ratio, because the Council indefinitely grants

to Bishops the faculty of absolving in whatever hidden cases, even those reserved to the Apostolic See; where the law does not distinguish, neither should we. But to this declaration of Gregory XIII, the aforementioned Fathers respond that it does not authentically appear to be the case. But this response does not satisfy me; for besides Florence, and Garz, as mentioned above, and Sanctorell, on heretics, chapter 5, question 1, number 1, and Zecchi, and another Author apud Sanch., book, chapter, who testify to the truth of this declaration, Fagnan, in the chapter "Dilectus," on the temporal law, number 32, volume 1, page 375, gives me great proof, as he declares the same to be firm; and this author does not seem to deserve to be disbelieved in this matter, since he himself served for 45 years as secretary of the Holy See of the Council, from which he could better know the affairs carried out in that congregation: all the more so because he explains the matter with its particular circumstances: he recounts that the Bishop of Florence inquired whether, by virtue of the Tridentini in chapter "Liceat," he could absolve a certain nun who had secretly broken her enclosure for a wicked purpose, notwithstanding the bull of St. Pius V, which subjected to excommunication those nuns who break their enclosure, as well as those who grant permission, accompany, etc., from which, except by the Roman Pontiff, they cannot be absolved except at the point of death? Several Cardinals believed that they could not absolve, because the bull contained the clause "except at the point of death," and because the bull was issued after the Council, but since others did not adhere to this opinion, the matter was brought before the Supreme Pontiff, who declared that the Bishop could not absolve; hence it should be noted that, according to the same Fagnan, in the chapter "Quoniam," on Constitutions, number 29 and 30, the faculty granted to Bishops by the Tridentini in the aforementioned chapter "Liceat" has been derogated for the cases contained in the two bulls, namely, in the bull "Cœna," and in this aforementioned bull of St. Pius V, because of the derogatory clauses, namely, in the first, notwithstanding the decrees of any Council: and in the second, except at the point of death. Hence we say that any bull, where the aforementioned clauses are present, takes away the faculty of Bishops to absolve hidden cases reserved to the Pope. But not other bulls in which no derogatory clause is present, as Dian., page 7, treatise 2, response 24, question 8. Do Bishops have the power to absolve from hidden cases reserved by other Bishops, even with censure? Bon., on censure, book 1, question 3, page 2, number 6, and P. Cutillus, in "Adatt." to Mancin, "Pract. visit.," infra, page 3, on reserved cases, question 38, respond affirmatively. From the fact that in the aforementioned chapter "Liceat" of the Tridentini it is said that all Bishops are granted the faculty of absolving those who are guilty in whatever hidden cases, even those reserved to the Apostolic See. From this very passage, it is also sufficiently shown that the faculty of absolving from cases, and from excommunications still reserved by other Bishops, is included. We once considered this opinion to be probable; but

later we were forced to hold a negative opinion, because of...

[*Latin ed. p. 436*]

By a twofold declaration of the Holy Congregation, dated January 24, 1744, and November 29, 1742, found in Volume 4, page 392, of the *Thesaurus Resolutionum* of the Holy Congregation. But most importantly, from the declaration issued by Benedict XIV on August 24, 1752, which begins: "Filii Christi, faithful ones, etc." For, in the city of Genoa, a privilege had been granted to a certain confraternity under the invocation of Saint Mary of Succor, allowing its members to choose any confessor approved by the local Ordinary, with the faculty of absolving them in articulo mortis, and, in this life, from sins reserved to the Apostolic See; the Pope declared, through this enunciation, that the faculty of absolution... was not, even for local Ordinaries, reserved... by Us in Our aforementioned letters, and consequently, absolutions... perhaps given in the past contrary to the tenor of this Our declaration, or to be given in the future, cannot, and We decree and declare, shall not be valid. See the Bulls of Benedict XIV, and the same work on the Synod, Book 5, chapter 5, number 9.

Doubt 9: Can the Bishop, in Trent, generally entrust this faculty to other priests? Henriq. Menoch and Corduba, apud Sanch. de matr., Book 2, chapter 40, number 46, deny this, saying that he can only delegate in particular cases, but not generally. They infer this from the words of the Council in the aforementioned chapter, which state: "It is permissible for Bishops to exercise this power themselves, or to appoint a Vicar specifically for this purpose." However, it is more probable, and commonly affirmed, that the Bishop can generally entrust his vicars with the absolution of reserved cases, because in this way, other priests are already considered specially appointed. Thus, Sanch., in the aforementioned passage, number 17, and Dec., Book 2, chapter 14, number 23; Suar., *de pænit.*, Book 30, section 2, number 9; Barbosa, *in Trid.*, session 24, chapter 6, number 45, in fine; Laym., Book 4, title 5, chapter 3, page 2, number 2; Croiæ, Book 7, number 435; and Salm., *de cens.*, chapter 1, page 5, number 54, with Navar, Gran, Vega, etc. The reason is that this faculty belongs to Bishops by ordinary right, since it is attached to the dignity of the episcopate, and therefore, it can rightly be generally delegated to another. Hence, Sanch., in the aforementioned passage, number 46, with Navar, states that the Vicar of the Bishop does not have the power to absolve from these cases by a general commission of the vicariate, unless it is specifically entrusted to him by the Bishop. This concerns the absolution of sins: but concerning the faculty of dispensing in irregularities and suspensions, in the same chapter, Sanch., in the aforementioned passage, Dec., number 25, and Suar. and Barb., in the aforementioned passage, number 45, in fine, with others (contrary to Mar. Alter.), also state that this can be delegated by the Bishop generally to any priest to whom the Bishop entrusts his own faculty: this is due to

the ordinary power that Bishops have. As for whether Bishops can absolve from heresy and from other cases reserved by Bulls, see the aforementioned passage on censures, Book 7, number 82, where we will maintain a negative opinion.

295. — "8. A superior, after hearing the reserved cases, can absolve from them."

[*Latin ed. p. 437*]

and the remainder to the lower priest, for a pressing reason: but what is not such a reason is a multitude of affairs, as Suarez, Ferando, and Fill. teach, but rather a more serious one; firstly, because even the busiest man can make time to hear another, with the obligation to compare afterwards; secondly, because the integrity of confession is of divine law. It is certain that no multitude of affairs can be a sufficient reason to diminish confession, as Croiœ rightly says in book 6, page 2, number 1254, along with Suarez, Laym, Vasquez, and others throughout; especially today after proposition 59, condemned by Innocent XI, which stated: "It is permissible to sacramentally absolve those who have confessed only partially, due to a large number of penitents, as may happen, for example, on a great feast day or during an indulgence." But can the superior priest absolve a penitent from reserved sins, and remit him to the lower priest? Some universally affirm this, as St. Antoninus says in book 3, title 14, chapter 49, section 6, and Palud., Cajetan, Salmeron, and Henry, apud Laym, in book 5, treatise 6, chapter 42, number 8, because they say that this is the custom of the Church. Others, however, as Suarez says in book 31, section 1, number 10, Navarrus in chapter 26, number 6, and Laym in the same place, with Adrian, Sylvester, and Cano, deny this custom, and say that it is only permissible in a case of grave necessity, such as if the superior priest could not free himself from a very important matter, and, on the contrary, it would be necessary for him to personally hear a reserved sin. Lugo admits this in book 20, number 78, Salmeron in "De Pœnitentia," chapter 8, page 5, number 134, Croiœ in "Dictio," number 4254, and Palud. in page 15, section 5, number 3, along with Vasquez and Con. But in a very rare case, it is added that the penitent is in need of Communion, and does not wish to confess those sins to the same priest. This last point does not seem improbable, provided that the case is such that it meets all these conditions: see the aforementioned numbers 484, 487, and 596.

9. He who has been absolved by the superior priest from reserved sins can be absolved by the same priest afterwards from any sin: because they are no longer a necessary matter of confession.

40. He who confesses in good faith, unaware that his sin is reserved, or that the priest lacks the power over it, is indeed validly absolved, but with the obligation to compare. "Indeed, if the confessor reasonably believes

that it is not reserved, even if it is truly reserved, the absolution is valid." (Lessius, "Dianoe," page 9, treatise 9, reason 29.) "With Lugo, Dicastellus, and Salmeron in 'De Pœnitentia,' chapter 13, page 2, number 45, he can absolve, even if there is a negative doubt, see the aforementioned number 600.)

41. He who confesses to a priest who has ordinary or delegated power over reserved sins, and forgets the reserved sin, can confess it afterwards to a lower priest, and be absolved. This is also true, at least if the former priest had ordinary power, even if the former absolution was invalid due to the penitent's indisposition, or another defect. The reason is that he intended to absolve, as far as he could, and at least removed the reservation, which could be done without the sacrament. See the aforementioned in number 3.

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p. q. 9. d. 4. n. 24. Merat. t. 3. d. 30. s. 3. Dian. p. 4. tr. 4. res. 124. The following is questioned: I. Whether, in the cases presented by Busemb., namely, if a penitent, with good faith, confesses a reserved sin, whether he has the power to be absolved, or if he culpably forgets the sin, or if he confesses it under urgent necessity, can a confessor, acting simply, validly and lawfully absolve him? Antoine, in p. 529, q. 5, denies this, and, speaking in his own words, his opinion is sufficiently probable; as we have said (n. 265, Quest. I.), it is probable with Vasquez, Cont. Tourn. Armil. Gerson. Trull. etc., that a confessor, acting simply, is entirely without jurisdiction over those who have reserved sins, since he is not their proper judge; therefore, he cannot absolve them from sins that are not reserved. The second opinion, which is common and more probable, affirms this, and is held by Suar., Pal., Lugo, Concina, Salm., and others mentioned in the aforementioned n. 265. The reason is that, although a confessor cannot, without a reasonable cause, absolve from sins that are not reserved, by not absolving from reserved sins in which he lacks authority, he does not, for this reason, lack authority in matters that are not reserved; therefore, when a penitent confesses in good faith, or has an urgent need to confess, he can rightly be directly absolved from sins that are not reserved, and indirectly from reserved sins. And since this opinion is common, as Antoine himself admits, and is very probable, indeed certainly more probable, as we have said, it can rightly be applied in practice, for (as we have demonstrated in n. 573), it is morally certain that, when there is a probable opinion, the Church supplies jurisdiction. 597. — The following is questioned: II. If a penitent has confessed to a superior, and has culpably forgotten a reserved sin, can he then confess it to anyone and be absolved? The first, most common opinion affirms this, and is held by Busemb., as mentioned above, Lugo d. 20. n. 85 and 89 (where he calls it the common opinion), Sanchez de matr. l. 8. d. 45. n. 24, Pal. p. 45. §. 15. n. 5, Holzm. p. 184. n. 697, Ciera d. 1. n. 90, Viva q. 9. art. 4. n. 2, Salm

de pœn. c. 13. p. 3. n. 43 (who also assert that it is the common opinion), and Escob. l. 16. n. 510, with Cano, Fill., and Adriano, Cov., and Led. The reason is that it is presumed that the superior intends to rightly free the penitent from every bond of sins from which he can; and this seems to be confirmed by those words which are said before the absolution: "As far as I can, and as you need, etc." And this is admitted by Pal., l.c., Salm., l.c., n. 45, with Con. and Aversa (contrary to others), even if the confession is made to an inferior delegate, because it is still considered that the superior intends to remove the reservation through him. The second opinion denies this, and is held by Suar. d. 31. sect. 4. n. 12, Conc. p. 573. n. 14, Antoine p. 530. q. 6, as well as Sylvest., Ang., Rosel., and Gabr., apud Lugo d. 20. n. 85, and Holzm. calls it very probable. These say that the reservation is not removed, whether the confession is made to a superior or to a delegate. The reason is a very strong one, because to remove...

[*Latin ed. p. 439*]

The reservation requires that the sin be brought before a superior, because the purpose of the reservation (as we have demonstrated in n. 584) is not only to prevent the penitent from engaging in sin, but also to ensure that he receives appropriate guidance and penance. Therefore, the reservation is not lifted unless there is a clear indication that the superior intended to remove the reservation, as Concina rightly states; or unless the penitent (as Suarez states in n. 45) has approached the superior or someone with the authority to do so, seeking to be absolved from all reservations, and has made this intention clear to them. Furthermore, Suarez rightly points out in n. 20 that a privilege has been granted in favor of the penitent, such as the privilege of the Jubilee or the papal bulls.

However, with these three exceptions stated, I consider the second opinion to be more probable, and Sylvius holds this view in vol. 4, Suppl., question 20, article 2, near the end, as do Sylvester, Angelo, Adrian, Navar, Covar, Bonac, Sa, Coninck, and many others, with whom Pontas agrees in case 25, and Contin adheres in *Tourn. de pæn.*, part 2, chapter 8, article 4, section 6, n. 580 and following. Although the first opinion also appears to be probable, due to the authority of those Doctors (as Concina himself admits) who commonly teach it; and because it is probable that the superior would consent to the removal of the reservation, especially if the penitent confesses to someone with the authority.

However, I believe that the reservation should not be lifted if there is a clear presumption that the superior, having heard of the reserved sin, would have withheld absolution.

598. — Question III: Is the reservation invalidly removed through an invalid confession? P. Concina denies this in p. 674, n. 46, whether the confession is made to the ordinary or to a delegated confessor. The reason is that the superior does not lift the reservation except by sacramentally

absolving; therefore, when the confession is invalid, the reservation is not lifted; on the contrary, since the inferior can do nothing regarding reserved sins outside of the sacrament, whenever the sacrament is invalid, the sins remain reserved. However, the common opinion, and the more probable one, affirms this, and Suarez (d. 34, sect. 4, n. 40), Wigandt (tr. 44, n. 77), Lugo (dist. 20, n. 106), Pal (p. 45, §. 6, n. 2), Holz (p. 483, n. 696), Roncag (p. 409, qu. 6, r. 2), Viva (de jubil., qu. 44, art. ult., n. 2), Croicæ (n. 1475), Bonac (dist. 5, q. 7, p. 5, §. 5, n. 9), with Vasq., Fill., Reg., Nugno, Rodr., etc., and Salm. (de pæn., c. 43, p. 3, n. 44), with Sylvest., Cajet., and Conc., all hold this view. The reason is that the reservation is primarily intended to ensure that sins are brought before a superior, so that he may render judgment on them by providing salutary advice and imposing penance; therefore, whenever the subordinate brings his sin before the superior, or someone with the authority, the purpose of the reservation is already achieved. It is not valid to say that both the ordinary and the delegated confessor do not lift the reservation except through sacramental absolution, which is absent here because the confession is invalid; for it is replied that the superior can, without sacramental absolution, as he himself states in vol. IV.

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The confessor cannot remove the reservation. However, the superior cannot remove the reservation except through sacramental absolution; nevertheless, when the subject confesses his sin to him, then the superior, having thereby reached the end of the reservation, is considered to remove it, by force of custom (as the Salmanticenses say), a practice confirmed by the common authority of learned Doctors.

Question IV: Is the reservation removed by a confession that is culpably invalid? The first opinion denies this, and Concina, Holzm., Vica, and Croix, in their collections, hold this view, and Ronc. calls it absolutely true, citing Lugone and the Salmanticenses; but this is not correct, for these authors hold the very opposite. The reason is that it is not presumed that the superior wishes that the subject should derive advantage from his own wickedness. This opinion is indeed very probable, but the contrary opinion is far more common, and it does not lack its own probability.

Therefore, the second opinion affirms that the reservation is removed, and all the Doctors hold this opinion, except for those mentioned in the present question. The reason is that the same principle applies to a sacrilegious confession as to a confession that is culpably invalid; for the end of confession is to remit sin, while the principal and direct end of the reservation is that those who commit sins reserved should be subjected to the judgment of the superior; therefore, when the subject confesses his sin to the superior, and accepts the penance imposed by him, even if he confesses sacrilegiously, the end of the reservation is already achieved, although the sin is not remitted. That the sinner should derive advantage from such

wickedness happens by accident; for although, by his interpretative will, he may not intend to remove the reservation if he acknowledges the sacrilege, nevertheless, by his actual will, he already intends to remove it.

Wigandt, and Lugo, with Suarez and Vasquez, rightly object, if the penitent culpably conceals the reserved sin itself; or if (as Lugo says) by that sacrilegious confession he culpably forgets to confess the reserved sin: because it is least presumed that the superior, in such a sacrilegious confession, intends to remove the reservation of a sin not confessed to him. Also, Suarez objects, if the penitent has no intention of avoiding that reserved sin in the future, or of fulfilling the imposed penance; he says that the reservation is removed if the intention changes. Also, Bonac. rightly adds that the penitent must always fulfill the penance imposed by the superior, even if he is afterwards absolved from that reserved sin by a lower authority. Also, the confession, whether culpably or innocently invalid, made during a jubilee year must be excepted (as we said in n. 537), because there, when the Pope does not grant the faculty of absolving reserved sins except to the end that the faithful may benefit from the jubilee, he is not considered to intend to remove the reservation, if they do not benefit from the jubilee; see what was said in n. 537.

Question II.) 599. — "Answer 2. He can absolve from reserved matters: 1. The one who reserved them. 2. His superior in spiritual jurisdiction. 3. To whom he has delegated [the power]."

[*Latin ed. p. 441*]

4. A lower priest, when the higher priest cannot be reached, for example, to absolve those reserved to the Pope, the Bishop can absolve them; those who are unable to go to Rome. The major confessors of cathedrals, although they possess the ordinary power to absolve, nevertheless cannot absolve from cases reserved to the Bishop, nor can a Bishop, and much less can they delegate this power, as is stated in the decree of the Holy See of the Council of July 6, 1647, in Pitton, *de confess.*, number 884. This is also held by Viva, question 9, article 4, number 1; Roncaglia, page 108, question 1, response 2; Barbosa, collection 581, number 24; and Diana, page 9, treatise 8, response 11, who condemns the contrary custom (if, indeed, it exists anywhere) as unreasonable. Response 3. Outside of the danger of death, of which see the aforementioned doubt above, no lower priest can, by himself and directly, absolve, unless it is granted to him by law or privilege. It is said 1. "by himself"; because concerning indirect cases, and those that are inferred incidentally, it is understood from what has been said. It is said 2. "unless," because a Bishop, or a Vicar, can absolve from cases reserved by the Pope when they are hidden, as Navar teaches, chapter 27. Therefore, it is resolved: Mendicant friars, by the force of common law, cannot absolve from cases reserved to the Bishop; because in this respect they do not have a greater power than a parish priest; and the privilege

that they had concerning this matter was abolished by the decree of Urban VIII in the year 1628. (This is also confirmed by proposition 12 among the condemned propositions by Alexander VII.) However, Aversa, with Diana, page 8, treatise 7, response 71, makes an exception for those cases that are reserved only to Bishops by law; indeed, Quintan, volume 1, treatise 3, section 14, affirms that Regular clergy can still absolve, as was the case before the decree, because this has not been promulgated in the provinces, which Diana, page 9, treatise 6, response 51, does not dare to approve, unless there is no recourse to the Bishop; then they can absolve from even those cases that are reserved, just as they can from cases reserved by the Pope. Granat, Diana, part 5, title 14, response 58. See also Præp., question 19, d. 1. It is certain that Regular clergy cannot absolve from cases reserved by Bishops, as others commonly say, with Salm, *de pæn.*, chapter 13, page 3, number 52; Viva, in proposition 12, among the condemned propositions by Alexander VII, number 13; and Cabassut, *Theor. jur.*, book 1, chapter 14, number 5, based on the bull of Gregory XIII, *Cum à sacra*. And this is so whether the cases are reserved by the Bishop, or by his synod, as Croix rightly says, number 1628, with Viva (whatever Pelliz. may say); for that which is done by the synod is, in the main, done by the Bishop, who is the head of that body. But can Regular clergy absolve from cases reserved to Bishops by common law? See below, book 7, number 99, where we will say that it is probable.

[*Latin ed. p. 442*]

Except in six cases reserved by Clement VIII, namely, the striking of a cleric, a duel, violation of ecclesiastical immunity, violation of the enclosure of nuns for an immoral purpose, real simony, and confidential simony; for the power to absolve in these cases was expressly taken away from the Regular clergy by Clement. See book 7, no. 95. Therefore, it is probable that procurators who procure an abortion of a conceived fetus can be absolved, since this case has not been reserved by Clement; see the aforementioned no. 99, at the end, 600. — "Respons. 4. If a confessor doubts whether the penitent has fallen into a mortal sin reserved for the Holy See, and the doubt is positive, he can absolve (considering a probable opinion, and judging that it is probably not reserved). But if the doubt is negative, some deny that he can absolve, as Armil. Cord. etc. Suar., Fill., Henr. Hurt., Bon., Lugo, d. 20, sect. 2, more probably affirm. Question 1: In a doubt as to whether the penitent has incurred a reserved case, can a simple confessor absolve him? If the doubt is affirmative, that is, if the penitent doubts whether he has committed a serious sin or not, the common opinion is that he can be absolved by any confessor; because reservation is to be strictly interpreted; hence, it should be understood of sins certainly grave: thus Concina, p. 567, no. 15; Suar. de censur. d. 40, sect. 6, no. 5; Lugo, dist. 20, no. 48; Sanch. Dec. l. 4, c. 10, no. 23, and DD. soon to be cited with others throughout

(against Wigandt, tr. 14, no. 53). But if the doubt is of law, that is, if someone doubts whether a certain sin is reserved, Concina and Wigandt, l.c., also Arm. v. Casus, no. 13, and Antoine, p. 528, q. 2, deny. The reason is that when it is doubted whether a sin is reserved, it is also doubted whether the confessor has the power to absolve; hence, a confessor who has only a doubtful power cannot absolve. But, equally, the Doctors commonly affirm, as besides Suar., Lugo, Sanch., the following teach: Fill. tr. 21, c. 4, no. 172; Bonac. p. 5, §. 4, no. 5; Escob. lib. 16, no. 447, with Sa, Anacl. p. 624, no. 4; Tamb. de cas. res. l. 5, c. 4, no. 7; Elbel, no. 643; Viva, q. 9, art. 2, no. 4; Diana, p. 4, tract. 3, r. 4; Sporer, p. 162, no. 733, with Gob. and Quintan. and Salm. de pæn. c. 13, p. 2, no. 15, with Avers. Portel. Dicast. Henr. Hurt. and others. And this, whether the doubt is affirmative or negative, because the same reason applies in both cases. The reason is, first, that (as we said) reservation is strictly interpreted; secondly, that the condition of the one who possesses the power is better: hence, although he doubts whether the sin is reserved, it is certain that the confessor possesses his power to absolve. Furthermore, since this opinion is common and certainly probable, it is also certain that the Church will supplement the jurisdiction, as stated in no. 573, and thus the opposite argument is answered. Nor does it object, as Concina does, that Clement VIII forbade all confessors, even privileged ones, to absolve from reserved cases, even doubtful ones, in the bull *Cæna*.

[*Latin ed. p. 443*]

Having reserved matters and in the Extravagantes, it is declared that the punishment of a cleric is reserved to the Pope, even when it is doubtful whether the offense is light or grave; for such prohibitions more strongly confirm our opinion that a confessor can absolve in other cases those who are doubtfully reserved; for an exception confirms the rule. However, it should be known that Clement (as Roncaglia and Antoine himself report in his collections) in the year 4602, moderated that decree, removing those words, "doubtfully reserved." But Bonacorsi and Sanchez in their collections, and Bonaspai and Alphonsus de Leone, citing Salm, ibid., number 14 (and Diana believes this to be the case in the cited passage), state that if the crime is considered certain in the external forum, then the same judgment must be formed for the internal forum. But it is truer to refute this limitation, as all the aforementioned authors, and especially Salm, Lugo, Escobedo, Sporer, and Tumburino, state. The reason is that in the external forum, the penitent is not believed, because no one can testify in their own cause; but it is different in the internal forum, where the penitent must be believed entirely, since he alone can be a witness to his own conscience.

Question II: If someone has confessed a doubtfully reserved sin to a lower-ranking priest, is he completely released from the reservation, even if he later recognizes it as a certain sin? Concina denies this, because, al-

though a doubtfully reserved sin can be absolved by any confessor because of the doubt about the act, nevertheless, when the penitent later certainly remembers it, he is obligated to go to a higher-ranking priest; for the confession of a doubtfully reserved sin does not prevent that sin from being reserved. But commonly, others affirm this, as Lugo states in Dist. 20, number 22; Escobedo, in lib. 16, number 451; Sporer, page 262, number 734; Viva, quaest. 6, art. 2, number 4, with Baldricus, citing Sanchez, Decr., lib. 4, cap. 44, and Salm, de pænit., c. 13, page 2, number 16, with Dicastillo Aversa, and others. The reason is that when a doubtfully reserved sin is confessed, it is immediately absolved (as Concina himself concedes in number 15), and therefore the reservation is directly removed; hence, although the penitent is obligated, when he remembers the sin that he previously confessed as doubtful, to consider it again as certain, in order to fully explain it and to manifest to the confessor the known gravity of the sin, according to what was said in number 478, he is not obligated to go to a higher-ranking priest again for the removal of the reservation, because, once the sin is removed, the reservation is also removed.

Question III: Can someone who has sinned in reliance on a license be absolved from the reservation? Covarrubias and others, cited by Lugo, Dist. 20, number 429, seem to deny this. But it should be affirmed, according to the common opinion held by Sanchez, Decr., lib. 4, cap. 54, number 48; Fillian, tr., 8, number 262; Lugo, number 430, with Villalobos, Ledochowski, etc.; and Salm, ibid., page 3, number 40, with Bonacorsi, Molfetta, Aversa, Gaburri, etc. The reason is that, even if the one granting the license does not want the sinners to sin more easily because of it, nevertheless, those who have sinned on the occasion of that license can be absolved, if they sincerely intend to avoid that sin.

[*Latin ed. p. 444*]

IV. It is inquired whether a license granted for the absolution of reserved sins can be extended to sins committed after the granting of said license. It must be distinguished: if the concession was made precisely for the sins narrated, or for a specific number of offenses, it can only apply to those. Otherwise, if the license is granted indefinitely, in a general manner, it is very probable that it applies to all, as Lugo states in Dist. 20, n. 422, with Bonaventure and Præpositus Ronc. p. 440, q. 7, with Passer, Mansi, and Gabr., and Salm. on penance, c. 43, p. 3, n. 39, with Aversa, Leand., Dic., etc. However, it is rightly stated that a great interval (such as more than a month, as Ronc. says with Mansi) should not be interposed between the granting of the license and the commission of new offenses; understand that, if a license is granted only for a particular penitent, it is only for that person. Also, Ronc. rightly observes that this statement does not apply if the license was granted in view of a particular feast day. 602. — The following should be added regarding reservations of cases with respect

to nuns. Therefore, it is inquired V. Do nuns fall under reservations and censures generally reserved by the Ordinary in the diocese? Cespedes and others, apud de Alexand. Confess. Mon. c. 6, § 2, q. 9, deny this, because (as they say) nuns, since they require special guidance from the Bishop according to their rules, are not included in the laws established for the general guidance of the people. They add that, since words can be understood in a general and specific sense, in a matter as important as a reservation, they should be understood in a specific sense, as Seraphicus states in Dec. 853, n. 7. However, the common opinion, with Diana, Bord., and de Alex., l. c., affirms that they are subject to such reservations, because, when general words occur with a reasonable intention of the legislator, all are included who are not expressly excluded by the law. And this is the more correct view. VI. Do the aforementioned reservations also apply to exempt nuns? Tamb. Conf. and l. 5, de cas. res. c. 3, n. 4, affirms this with probability, because in the Constitution Inscrutabili, of Gregory XV, it is stated that confessors of exempt nuns must be entirely approved by the local Bishop; therefore (says Tamb.), just as the Bishop can limit the time, place, and persons in the approval of these confessors, so too he can limit the cases. However, Pelliz. and Quint., apud Tamb. n. 3, and P. de Alex., d. c. 6, § 2, q. 10, with the common opinion, deny this with probability, because exempt monasteries are entirely outside the jurisdiction of the Bishop, as if they were outside the territory, as is commonly said by Bonac., Bord., etc. And although the Bishop must approve the confessors with regard to their suitability, he cannot, however, approve them in a limited way, since in the Constitution Superna, of Clement X, it is stated that the Bishop can limit the time, place, and persons, but nothing is said about sins that are already reserved by prelates of exempt religious orders. VII. Can the Bishop, as a delegate of the Apostolic See, reserve cases with respect to exempt nuns, e.g., if the doorkeeper...

[*Latin ed. p. 445*]

Should confessors speak openly with secular individuals? Alexander affirms in book 1, chapter 12, with Baucio, that because (as they say) the delegation granted to Bishops by the Council of Trent, session 25, chapter 5, with respect to enclosure, considers nuns as not exempt, so that in the case of transgression, they are not to be absolved by the regular Prelate, but by the Bishop; and they infer this from the decree of Clement VIII, where it is forbidden to regular canons to absolve, by virtue of any privilege, from cases specially reserved to the Ordinary. But this reason is not sufficiently convincing, and therefore the opinion of Diana and Paschasius, apud Alexander, ibid., does not seem improbable, who say that the aforementioned delegation granted to Bishops concerns only the external forum; and the words of the Council of Trent are: "Renewing the Constitution of Boniface VIII... the Holy Synod commands all Bishops... that in all monas-

teries subject to them, they diligently ensure the restoration of the enclosure of the religious, where it has been violated, or, in others, by the authority of the Apostolic See." It should be noted, with Roncaglia, page 410, question 9, number 4, that, according to decrees issued by the Holy Congregation in the years 1601 and 1602, by the authority of Clement VIII, and in the year 1607, by the authority of Paul V, anyone who, pretending to have some privilege, absolves from cases reserved to the Pope or to Bishops, incurs, by that very act, excommunication reserved to the Pope.

QUESTION V. What is the office and obligation of a confessor?

603 What is the office of a confessor? When can or should a confessor postpone absolution? (Reference to numbers 462 and following.)

604 Question I. Can a confessor deny absolution to someone who adheres to a probable opinion? What if he adheres to a false opinion, but considers it probable?

605 Question II. Is it advisable for a confessor to use stricter or more lenient judgments?

606 Whom can a confessor absolve, and whom can he not absolve?

607 How should a confessor question the more ignorant?

608 How should he instruct and guide them as much as possible?

Admonition to confessors.

609 How should he inform them of their obligations?

610 What if he foresees that the admonition will not be effective?

Information I. What if he learns that the penitent has contracted marriage invalidly?

642 What if the marriage is to be contracted?

613 What if the spouses are already present?

Information II. Should he always mention the restitution that must be made?

Information III. What should not be tolerated, namely, scandalous lies of others?

645 Exception 1. When it is harmful to the common good.

646 Exception 2. When the penitent asks.

Exception 8. When they openly reveal their sins. Whether, in a doubt about the fruit and harm, it should be done or not, is he bound?

617 The confessor administering must be in a state of grace. How, then, can the confessor and penitent mutually offer absolution successively? (Reference to the opinion of l. yus: 618 What if he only hears the confession in mortal sin? Reference: not non sit major et Edit.

[*Latin ed. p. 446*]

36. (And what if the necessity of absolution arises? Rheims. ad n. 33.

ibid.) 619. Question I. How is the confessor to make amends for defects committed by himself? 820. Question II. To what is the confessor bound, if he erred concerning the value of the sacrament? 821. Question III. To what is he bound, if he dispensed [the penitent] from restitution? And is he bound to make restitution, if, knowing the error, he does not warn [the penitent]? What if he culpably dispensed [the penitent] when the penitent was disposed [to confess], and afterwards the penitent refuses to comply with the warning? What if he simply omits to warn? 823. Question IV. Can he warn the penitent of these defects, without his permission, outside of confession? 823. What is the extent of the confessor's obligation to hear the penitent? 824. Is a confessor who is not a parish priest bound, with danger to life, to absolve a dying sinner? 825. Is a simple priest safe in conscience, who refuses to exercise the office of confessor, if the people are in grave spiritual necessity? 603. — Answer. 4. The office of the confessor is to absolve the disposed, and nothing else; also to take care for the rectitude of this judgment, especially when it has begun, and to help and warn the guilty, but with prudence. The reason for the first is, lest injury be done to the penitent. The reason for the second is, lest sacrilege be committed. The reason for the third is the same: and because he must take care that the absolution be efficacious. Therefore, resolve: 4. Although sometimes the absolution may be prudently deferred, even for one who can be lawfully absolved; this, however, is rarely done, and almost never except with the consent of the penitent; because it may endanger or harm him greatly. See Diaz, p. 4, t. 4, r. 35. (When the confessor is bound or may defer absolution, see number 462.) 2. He is to be absolved who adheres to a probable opinion; because he is disposed. 604. — Question I. Can a penitent be absolved who wishes to follow an opinion contrary to that held by the confessor? The first opinion denies this, and this is held by Conc., p. 702, n. 4; also by Fagnan, Baronius, Elias, Gonzales, etc., in Croix, l. 4, n. 452. The reason is, because the penitent is bound to abide by the judgment of the confessor, who is the judge; otherwise, he will be indisposed to absolution. The second opinion, which is the common and accepted one, teaches not only that he can, but that he is even bound to be absolved (even if he wishes to follow an opinion that appears probable to him, although it seems contrary to the confessor. See Suarez, 3, p. t. 4, d. 32, sect. 5; Soto, in 4, d. 48, etc., ar. 5, ad 5, §; Azor, t. 4, l. 2, c. 17, g. 10; Holzmüller, t. 3, idon., n. 740; Salmeron, tr. 6, c. 42, p. 3, n. 44; Roncaglia, c. 2, Reg. 4, expressly, tract. 4, p. 4, n. 2 and 6; Croix, l. 4, n. 452; Sporer, t. 4, Timitari, r. Viva, g. 7, a. 2, n. 6; Layman, l. 4, c. 5, n. 40, with Vasquez, and others from p.ch. Dec., lib. 4, c. 9, n. 28, with Henry of Salona, Salas, Quæritur, Polanc, and many others. And in this, they also agree, the apostolic...

[*Latin ed. p. 447*]

More authors, with a stricter opinion, namely Pontassus and Victoria;

whose words and places we have quoted in book 4, chapter 25 (1). And especially Cabassutius T. J., book 3, chapter 13, who says to Sylvius: "Any confessor ought to absolve the penitent who does not wish to abstain from a certain action, which, according to the probable opinion of several pious and learned men, is licit, according to an authority not disapproved of in the Church; although the confessor may follow the opinion of others, which he considers to be more probable." The same is taught by Cardinal Toletus, book 3, chapter 20, number 7, where he says: "Alas, something is doubtful, if it happens that the confessor is of the opinion that something is illicit, and the penitent is of the opinion that it is licit; the penitent can obligate the confessor to absolve him according to his own opinion. And he concludes that, in such a case, the confessor can follow, and indeed must follow, the opinion that he believes to be true, even if he himself considers one of them to be more probable." Navarrus also says in his Manual, chapter 26, number 4: "If there are contrary opinions of doctors, and the confessor follows one opinion and the penitent follows the other, and the confessor believes, with evident reason or argument, that the penitent is mistaken, he should not absolve him. But if the confessor is not so strongly convinced, or if the penitent has an equally strong or nearly equally strong reason, and has a renowned doctor on his side, he can absolve him, as we said after Adrian." Thus, Navarrus does not distinguish between a parish priest who is obligated to hear confessions and another who (as he says) may hear confessions, and he is not obligated to do so, nor did Adrian make such a distinction. And in this, Suarez, Sanch, Azor, Salm, Croiæ, and others agree. For although some confessors are not obligated to absolve penitents before hearing them, once they have heard them, they are obligated to absolve those who are disposed. The same is taught by St. Antoninus, part 3, title 47, chapter 6, section 2, where he says: "Let the confessor beware lest he be too hasty in giving an opinion on a matter of mortal sin, when he is not certain and clear; and when there are various opinions among many and solemn doctors as to whether something is licit or illicit... He should consult what is safer, that is, that they abstain from such things (Extra de Spons. Juven.); however, he should not despise those who do the contrary, or who hold a contrary opinion, so that he should (note) deny them absolution: but (as Guil says), the confessor should say that it is not safe, but doubtful."

(1) The places and words quoted here, St. Alphonsus says, are not found in the present edition, since he changed the treatise on conscience in later editions; they are found in earlier editions, e.g., in Rome, in the year 1737. These are the words: Pontassus, in "Confessarius," chapter 8, says: "However, it must be admitted that if it seemed to the confessor that the penitent's opinion was probable, he could grant him absolution, since he would not then be acting against his own conscience." Also, Victoria says: "But what does the confessor do when both opinions are probable and have their own supporters? I answer, whether he is the penitent's own priest

or not, he is obligated to absolve him in such a case... It is clearly proven: for the confessor is in a state of grace, and the confessor has a reason to believe that the penitent is in a state of grace, because he knows that the penitent's opinion is probable; therefore, he should not deny him absolution, therefore, probability is sufficient, even if it is not greater and even if it is less."

[*Latin ed. p. 448*]

And therefore, he must take care of himself: but if, indeed, the conscience of the confessor clearly dictates that something is mortal, and he cannot dismiss the conscience (that is, through reasoned judgment, namely, that the penitent, when disposed, has the right to absolution by forming in himself a conscience regarding the honesty of the action), which he ought to do by seeking counsel from wise men, in no way should he act against his conscience, because he would sin mortally, c. Omnes, caus. 28, qu. I, §. From these, joined with the Glossa. But if that thing is contrary to the common opinion of Doctors, and is commonly observed by wise men, although he should hear a different opinion from some doctor, he should not adhere to it lightly (that is, without a solid reason). The same is confirmed more clearly by St. Antoninus, p. 3, tit. 16, cap. 20, at the end, saying: If the confessor believes that it is a sin, he must act according to his conscience, so that the penitent, having confessed diligently, may be informed about that fact, whether it is a sin. But, given that the penitent does not wish to know that it is a sin, nevertheless, he is bound to absolve him, and not to consider him incapable of absolution, because this opinion is based on reason, and not on presumption. Add to this St. Raymond, who writes in book 3, title on penance and remission, § 21: "However, I advise you not to be too quick to judge sins as mortal, unless it is clear to you from certain Scripture... otherwise, people might be led to despair." The most learned Sylvius also teaches this in 2. 2, q. 454, art. 2, speaking of the superfluous adornment of women, where: "If confessors cannot clearly perceive whether something is mortal or only venial, they should persuade the penitent, as much as possible, to abstain; but if he does not wish to, they should not form a conscience for him about the mortal sin, lest he then sin mortally, where otherwise he would not sin; nor should they deny absolution." The reason strongly supporting this opinion is that the penitent, having made confession, when disposed, has a strict right to absolution, and by denying it, the confessor would inflict a grave injustice upon him, both because he would deprive him of the grace of the sacrament, and because he would obligate him to undertake a great burden, namely, to repeat his grave sins before another. It is not valid to say that the penitent is not disposed, because he does not wish to follow the judgment of the confessor. For it is answered that the confessor is not a judge of opinions to which the penitent is bound to adhere, but only of the penitent's disposition, as is clear from the Council of Trent,

session 14, c. 5 (whose words we quoted in l. 4, n. 669), where priests are said to be constituted by Christ the Lord only to judge that the faithful bring their sins to them, and that they themselves should impart absolution to them, or deny it, according to their disposition, and impose the appropriate penance for the manner of the sin. The disposition of the penitent consists only in having true sorrow for confessed sins, and a firm will not to sin in the future. Therefore, the confessor's judgment regarding the penitent's disposition consists only in knowing whether the penitent truly grieves for his sins, and truly intends not to repeat them. As for whether the penitent wishes this or that...

[*Latin ed. p. 449*]

It is irrelevant for the confessor to follow the opinion of the penitent, unless the confessor judges the opinion of the penitent to be evidently false. Regarding those opinions that concern the aforementioned disposition of the penitent, or even the administration of the sacrament, for example, if the confessor judges that he does not have jurisdiction, the penitent must abide by the judgment of the confessor, and the confessor is bound to follow his own judgment; otherwise, by granting absolution without due jurisdiction, or by absolving someone whom he himself judges to be indisposed, he sins by acting against his own conscience. However, regarding other opinions, which concern the obligation of the penitent, namely those things that the penitent must do or avoid, the confessor is not a judge, nor can he obligate the penitent to follow his own opinion, if the penitent wishes to follow a contrary opinion, which he believes he can legitimately hold, as Adrian (VI) excellently states in question 5, doubt 7: "If he is held by many doctors to the contrary, the priest should to not presume so much about himself that he wants to force everything to conform to his own opinion (which may perhaps be erroneous)." Therefore, on the one hand, if the penitent forms a judgment about the propriety of some action, and on the other hand, the confessor does not have clear certainty of its falsity, he is bound to absolve him, as he is sufficiently disposed. And then he can, indeed he must, allow the penitent to follow his own opinion, if he cannot dissuade him from doing so, because (as we have said) the confessor is not a judge of controversies; otherwise, if, for example, the penitent were more learned than the confessor, and wished to follow an opinion that he considered to be more probable, or even certain, could the confessor deny him absolution, if he held a contrary opinion, which might perhaps be erroneous in himself? But this in no way seems possible, since it cannot be said that in that case the penitent would sin by following his own opinion; but if he does not sin, then he is disposed, and as such, he has the right to absolution. Furthermore, if any penitent were obliged to follow the more probable opinion of his confessor, it would follow that hardly any confessors, or theologians (of still more rigid opinions), could receive

sacramental absolution, because hardly ever could a case arise in acci-.

[*Latin ed. p. 450*]

Here, let us consider a situation where someone might find a confessor who does not hold, or at least holds with less certainty, several opinions that the individual considers more probable. Let us now consider another case: Two confessors hold two opposing opinions, and each believes his own opinion to be more probable; if one wishes to confess to the other, then, according to the opinion of Fagnani and his associates, he should abandon his own opinion, subjugating his intellect, in order to obey the judgment of his confessor. Conversely, if the other confesses to him later, then the second confessor should reclaim his own opinion, which appears more probable to him; for then he should judge according to his own judgment, and he should obligate the other to abandon the opinion that he had previously imposed upon himself; and this would be a laughable comedy, which would occur daily among confessors. Who would believe that Christ the Lord intended to impose such burdens on confessors and penitents in the sacrament of penance? Furthermore, it would easily follow that when someone approaches a confessor to receive this sacrament, the confessor who hears his confession should inquire about all the opinions that the penitent holds, and by which he guides his penitents, so that if he finds that the penitent holds some opinion that seems less probable to him, he should obligate him to abandon it; and it would rightly seem that the confessor is obligated to inquire in this way, because he should prudently doubt that, among so many opinions, the penitent easily holds several opinions that the confessor considers less probable, and therefore deserving of abandonment. From all of this, it is concluded that the confessor is not a judge of opinions concerning the obligations of penitents, provided that those opinions do not appear evidently false to him, but rather he is a judge only of their disposition, namely, that they are sorrowful and intend not to offend God, and that they believe, with a safe conscience, and not rashly, that they are following a certain opinion. Therefore, Cabassutius, although this author is a proponent of a stricter discipline, speaking truly (in *Theor. Jur.*, book 3, chapter 43, paragraph 44), regarding confessors who compel their penitents to abandon their own opinions in order to follow their own, says: "Let each prescribe whatever laws he pleases for his own life. But let these harsh censors beware lest they tyrannically suppress the licit freedom of others before God." But you will say: "A judge in a court of law must judge according to the more probable opinion of one party, even though the other party holds a probable opinion for himself; therefore, a confessor cannot absolve a penitent who wishes to follow a probable opinion contrary to his own more probable one." The response is: "There is a great difference in reason between a judge in an external court and a sacramental judge; in an external court, when dealing with the truth of a matter, namely, whether

a field belongs to one party or the other, the judge who is obligated to give each his due, must indeed award the matter to the one who has the more probable right, and he cannot certainly award it to the other, who holds an opinion less probable for himself; for the probability of that opinion cannot influence the matter, because..."

[*Latin ed. p. 451*]

Indeed, it is not the one who has the more probable right, and therefore the judge would act unjustly if he did not award the case to him. However, the confessor, whenever his own opinion is not evidently certain, cannot (as we have said) obligate the penitent to follow it; therefore, he not only can, but is even obligated, to absolve him, allowing him to follow his own opinion, always and while the penitent forms his conscience about the honesty of the action through that opinion, because at that point he is sufficiently disposed, and has the right to absolution through the completed confession. And this opinion is held by Laym. l. c. Lugo d. 23. n. 47. Bus. l. 4. d. 2. n. 3. Sanch. l. c. n. 30. and by Valent. and Manuel. and Croia l. 1. n. 443. and by Suar. Carden. etc. This is the case even if the confessor considered the penitent's opinion to be false; for if that opinion had some estimated probability, for example, as Sanchez says, if it were considered probable by Doctors of proven authority, and the penitent truly believed it to be probable, then the confessor could not deny him absolution. The same is taught by Soto in the aforementioned passage, where he says: "Who is to say that a priest considers an opinion to be false, but does not yet consider that he is permitted to absolve him, if indeed he will be excused from guilt because of probability?" However, I believe this is only permissible if the penitent's opinion has some probability, so that the confessor, even if he does not consider it to be solidly probable, does not consider it to be entirely false; for on the contrary, if the confessor has a certain principle for his own opinion, to which he sees no possible response, and clearly knows that the penitent's opinion (although some Doctors defend it) is based on a false foundation, and that his reasons proceed from a deceptive equivocation, then, as Navarro and St. Antoninus say in the aforementioned passages, the confessor cannot absolve the penitent whom he sees stubbornly wanting to follow an evidently erroneous opinion. However, is the confessor obligated to warn the penitent who, in good faith, wants to follow a somewhat improbable opinion, if he foresees that the warning will be of no use? See the aforementioned number 610. Furthermore, we turn to this doubt, where some (but few) say that the confessor sins if he absolves the penitent who wants to follow a less probable opinion; while other very serious authors, and many both from ancient and modern times, say that he sins if he does not absolve him; given this common opinion, supported by so many authorities and reasons, I do not see how the confessor can, with a safe conscience, deny absolution to one who wants to follow an opinion that

appears probable to him, or even more probable, if not directly, then at least indirectly, as commonly held by the probabilist authors, who, by following a probable opinion in the context of a more probable one, believe they are embracing a reflexively more probable opinion, as it is firmly established by the most serious foundations and the most common authority of the Doctors (4). (1) "If the penitent is uneducated, to the extent that he cannot form a correct conscience from..."

[*Latin ed. p. 452*]

608. — Question II. Whether, in the choice of opinions, it is advantageous for the confessor to favor stricter or more lenient opinions? Croia rightly states in book 6, page 2, paragraph 4737, that if the penitent demonstrates a willingness to follow what is safer, the confessor (speaking in general terms) is obligated to guide him according to the safer opinions; because, since this leads to greater perfection, the confessor is indeed obligated to strive for the greater benefit of his penitent. However, it is incumbent upon the confessor's prudence to then consider whether the use of a safer or a less safe opinion will be beneficial to his penitent. Therefore, I said "speaking in general terms," because although it is safer and more perfect in itself, it will be more dangerous to impose upon everyone the obligation of always acting according to the stricter opinions; hence, Gerson wrote in *De Vita Spirituali*, page 3, lecture 4, column 10: "It happens that through such public assertions, which are too harsh and strict, especially in matters that are not entirely certain, people are not drawn away from the mire of sins, but are plunged even deeper into it, because they become more despairing." Therefore, in practice, the confessor should rather (as far as possible) be lenient rather than strict with penitents. Thus, Saint Gregory Nevianz said in his Orations, 26: "We urge the clergy to act gently with penitents, following the Apostle's words to the Galatians, 6: 'Instruct in the spirit of gentleness.' And Saint Bernard, speaking of the confessor, says in his Sermon on Saint Andrew: 'Let him have a compassionate will, and seek to free him; and let him strive to soften the severity, imitating the sweetness of his Lord.' And in his Sermon 42 on the Song of Songs, he adds: 'I would rather sometimes be silent and overlook what I perceive to be done wrongly, than to condemn so severely as to cause harm.' Abbot Saint Olido (in Ribadeneira, page 2, January) was reproached for excessive leniency in administering the sacrament of penance, and he responded: 'Even if I am to be condemned, I prefer to be condemned by divine mercy, than to be condemned by harshness.' B. Humbert, General of the Order of Preachers (in the Glossary, Prol. Constit. Ordin., book 1), said that the salvation of souls is often hindered by excessive strictness of opinions, saying: 'People are so frightened by this that they neglect their salvation; therefore, the strictness should be relaxed as much as possible, and acted with gentleness; because in this way they are better drawn to salvation, when milder

opinions are held.' Saint Bernardine of Siena (in his *Fermenta*, 2, after the Sunday of Pentecost, Sermon 3, article 2, chapter 4, end) wrote: "According to Scotus and Hostiensis, when there are different laws and opinions, which are nevertheless not against God and good morals (that is, which formally present some scandal or danger of sin), all other things being equal, the more humane opinion should be preferred. If the probability of that opinion is certain, I hold that he cannot be absolved... but the penitent is capable of forming a right conscience... the common teaching is that the confessor in such a case can and should absolve, at least if confession has been made, but on a serious matter, as Suarez, Sanchez, etc., say, denying absolution in matters that exceed venial sin." From *Homo Apostolicus*, translation 16, paragraph 118, edition.

[*Latin ed. p. 453*]

Holzmüller wisely states in *De Paenitentia*, n. 740, that the confessor, when choosing between different opinions, should follow the more lenient ones, provided they better lead the penitent to avoid sin. Conversely, if those opinions rather lead to transgression of the law, as is the case (as rightly observed by Rone in *De Paenitentia*, c. 2, qu. 3, and by Sporer in *Locus 4*, n. 48 and 49), with opinions that, although seemingly probable in theory, are very dangerous in practice, such as certain opinions regarding touches, kisses, dances, comedies, the suppression of sensual movements, and the like, in matters concerning the sixth commandment; likewise, in matters of simony and usury, where more things seem to be excused on the grounds of generous gratitude, but in practice involve great danger; and also when it comes to making restitution or pursuing accusations against offenders, where the danger of injustice or vengeance is easily present.

606. – 3. He must be certain of the penitent's good disposition, otherwise, by absolving him, he will commit a mortal sin. (See the statement n. 459.)

4. It is not permissible to absolve:

1. One who does not provide any matter [for confession]: but this does not apply to one who, after receiving absolution, confesses something he had forgotten. (See the statement n. 448, where we have stated the opposite).

2. One who, when he is able, is not prepared to make restitution and to avoid future opportunities of sin. (See Navar, c. 45; Suar., d. 32, sect. 2).

3. One who is ignorant of things that all are held to know, e.g., the ten commandments, and those things that pertain to a fruitful confession and communion; such a person is generally to be instructed first, or sent to someone for instruction. (See the statement in *Locus 3*, n. 3, and in *Praxis Confess.* at the end of this work, n. 22).

607. – 5. The less instructed are ordinarily to be helped (From the chapter *Omnis de Paenitentia*, where it is said: "The priest should be discerning,

carefully inquiring into both the circumstances of the sinner and the sin." Also, in the Roman Ritual: "If the penitent has not explained the number, nature, and circumstances of his sins in a necessary manner, the priest should prudently question him. But let him beware lest, with curious... questions, he detain anyone, especially the less instructed... by imprudently questioning them about what they do not know, lest... they learn to sin.") unless they are incapable of instruction, or it cannot be done due to the multitude of penitents, nor does it seem expedient to dismiss them, or they are strangers who must communicate and leave soon; in such cases, Laym. teaches in *Locus 43*, n. 40, that if some are acting in good faith, and the narrowness of time or the multitude of penitents does not allow for a long examination or instruction, it is sometimes sufficient to give a formal absolution, with the obligation to return for a more complete confession. But this opinion seems expressly condemned by Innocent XI, proposition 59.

We note here several additional points regarding questioning rustic penitents: 1. Rustic people, who are considered not sufficiently examined, are generally not to be dismissed to examine themselves further; thus, says Salmant.

[*Latin ed. p. 454*]

Penitential, chapter 12, page 2, number 26. Lugo, Vasquez, Diana, Dicast, and P. Segneri (in his *Confessionale*) rightly refute the intolerable error. Hence, Sporer, number 798, Laym, chapter 43, number 40, with Suarez, and Holz, number 734, with Bubenstub and others, rightly state that the confessor ought ordinarily to examine the peasants; for although these are dismissed, so that they may better prepare, they rarely return prepared, indeed, being averse to the difficulty of examining their conscience, they easily withdraw from confession.

II. There is no obligation to question those who appear sufficiently instructed, and diligent in recounting their sins with their circumstances. Salmant, with Aversa, ibid., number 23.

III. The confessor should not be too anxious in questioning, but should only inquire about those things which probably pertain to the penitent according to his condition. Salm, with Suarez, in the same place, number 21; otherwise, as Suarez says, the questioning will be burdensome to the penitent.

IV. It is better to examine each thing that the penitent says, than to reserve everything for the end, thus rightly Salm, ibid., number 25, with Lugo and Dicast.

V. The confessor must take care not to harshly reprimand the penitent, since he confesses, lest he, being deterred, omit other sins; hence, the Ritual advises: "The confessor..., having heard the confession, considering the

magnitude of the sins..., will apply suitable corrections." However, it will not be inappropriate if, within the confession, he sometimes humanely explains the gravity of the crimes to the penitent, provided that he gives him encouragement to confess the rest.

608. — 6. If the confessor notices that the penitent is ignorant of certain things necessary for this sacrament, he is bound to instruct and admonish him; by reason of his office, as much as possible, for example, if he does not know those things which, by necessity, are necessary for salvation, he must teach them; also, those who are bound to lay aside hatred, to restore honor, reputation, or goods, or to remove or repair occasions of sin, or to repair scandals, or other damages caused, or to correct the guilty, to help the needy, to denounce crimes; or the guilty who act to the detriment of the community, or of the innocent: and finally, if they have incurred any censure, he is bound to warn them about this, and to urge them to satisfaction, which if they refuse, he must deny absolution; otherwise, he will make himself a partner in their crimes, and guilty of sacrilege. Aversa, question 16, section 12. Here, note with Bus, to whom Sporer, number 798, and Laym, chapter 43, number 40, with Suarez, and Llamas, agree, that the confessor is bound, as much as possible, to prepare his penitent who approaches in an improper disposition. Therefore, I do not know how those confessors can be excused from fault who, as soon as they know that the penitent is not sufficiently disposed, dismiss him, without any or with very little diligent care for him. For I say that the confessor is strictly obligated by charity to prepare him as much as he can, by explaining to him the deformity of sin.

[*Latin ed. p. 455*]

The value of divine grace, the peril of damnation, and similar matters, even if much time must be devoted to them. Nor should he be concerned about what other penitents may expect; for then the confessor is not bound to attend to the good of others, but only to that of the penitent, for whom alone he will then render an account to God, and not for others.

609. — "7. He is bound to warn him who, through vincible ignorance and mortal culpability, is in a bad state; otherwise, neither will he himself, nor the sacrament, benefit him, since the penitent is unprepared. But if the ignorance is invincible, e.g., if he holds a thing to be his own in good faith, or is in a faulty marriage, he is indeed bound to warn and instruct, when a result is hoped for, and greater inconveniences are not to be feared; but if these are prudently foreseen, or if no result is expected, he is not bound, nay, he cannot. " (Cited from Cardinal de Lugo, *De Paenitentia*, d. 22, n. 24, except where silence serves the common good, because he must promote the good of the penitent; and consequently, he may licitly advise him to act according to his ignorance, e.g., to advise a woman to return the debt to Titus, whom she believes, invincibly, to be her husband, when he is not.

See Sanch., *Lib. 2. de Matrim.*, d. 38.)

"Nor must he hinder, even if it is to the prejudice of a third party," say Lugo and Tamb., *De Cæped. Conf.*, l. 2, c. 4. Therefore, if the confessor foresees that the penitent will not restore something if the nullity of the title, which he believes to be his own, is revealed to him, that nullity should not be revealed by the confessor unless the penitent is asked. But if the penitent himself doubts and asks, he is bound to tell the truth, because to remain silent would be to approve of error; but prudently, not saying more than is asked; e.g., if Titus asks whether a marriage contracted after a vow of simple continence is valid, and whether he can, and is bound to, return the debt, he should answer that it is so, remaining silent about the obligation not to demand the debt. (See Laym., *loc. cit.*, and Lugo, *loc. cit.*)

8. When confessors know that princes, prelates, and other magnates do not fulfill their duties, e.g., regarding the granting of benefices, the appointment of ministers, the governance of subjects, regarding elections to be made from ecclesiastical goods, etc., the confessor is regularly bound to warn the penitent of his obligation; otherwise, if he absolves him, he places those sins upon his own shoulders, and, being a blind man leading a blind man, they both fall into the pit of hell. The reason is that, in such cases, invincible ignorance is rarely present; nor does it often happen that such actions do not bring scandal to the subjects who believe them to be permissible; or certainly do not bring about common harm. However, if he sees that the ignorance is invincible, and that it will not lead to scandal or common harm; on the contrary, if warning would bring greater harm to the penitent, or would cause scandal or inconveniences, he may, according to what was said above, dissimulate, unless he is asked. Thus, Lugo, d. 22, n. 37.

9. If even a penitent is bound, albeit under mortal sin, to do something so difficult that it is not believed that he would then receive it with a calm spirit,

[*Latin ed. p. 456*]

And at another time, if it seems more opportune, the prudent confessor may leave the penitent in good faith, excusing him from sin, and postpone the admonition to a more suitable time, so that the penitent does not abstain from confession, and thus incur a more serious detriment. Tamb. c. 14. Lugo d. 22. s. 2. n. 27. 640. — "40. A person who is not properly disposed should be urged to repentance and to the intention of amendment, by presenting the deformity of sin, the goodness of God, and the danger of damnation, etc. Also, appropriate remedies should be prescribed against future sins. The question arises: Is a confessor obligated to admonish a penitent if he foresees that the admonition will not be beneficial? It is certain that he is obligated to do so if the ignorance is culpable, or if it concerns something necessary for salvation; otherwise, the penitent would certainly be improp-

erly disposed. Therefore, the question is whether admonition should be given in other cases, which are not of necessity for salvation, and when the ignorance is excusable? The first opinion affirms this, and this is held by Adrian, in Suar. de pœnit. d. 32. sect. 4. n. 5, as well as Wigandt, tr. 2. n. 32, and the Council, p. 695. §. 2, throughout. The same is held by Gonzal. and Elix., in Croia l. 6. p. 2. n. 4758, if the ignorance is concerning the precepts of divine law, but not if it is concerning human law. The reasons for this opinion will be evident from the objections to the second opinion. The second opinion, however, teaches the common and true doctrine that if a penitent suffers from excusable ignorance (whether of human or divine law), and it is not expected that the admonition will be beneficial, but rather it is prudently judged that the admonition will be more harmful than beneficial, then the confessor may and should omit it, leaving the penitent in good faith. This is also held by Busemb., Suar. l. c. n. 4, and by P. Soto, and by Corduba, Laym. l. 5. tr. 6. c. 13. n. 5, and by Sanch., de matr. l. 2. d. 38. n. 1 and 40, and by Lugo, d. 22. n. 24, and by Nav., Man. c. 22. n. 83, and by Bon., de matr. q. 3. p. ult. n. 7, and by Canus, Præl. p. 5, and by Anaol. p. 620. n. 52, and by Pal., p. 48. §. 2. n. 7, and by Vaq. and Conc., Ronc. p. 94. q. 4. r. 2, and by Spor., p. 272. n. 795, and by Tamb., l. 3. c. §. 3, and by A. Elbel, p. 344. n. 471, and by Viva, q. 8. art. 5. n. 4, and by Escob., l. 46. nu. 633, and by Henr. Guttier., Medina, Holz. t. 4. p. 12. n. 60, and by Maroh., Croia l. 6. p. 3. n. 540, and by Salm., de pœn. c. 12. p. 3. n. 34, and by Pontio, Aversa, Vill., Diana, Gabr., etc. And the same is taught by Habert (a writer of stricter discipline), t. 6. p. 466. q. 3, where, speaking of marriage, he says: If, against an occult impediment, and one that is invincible unknown, no remedy appears, and serious inconveniences are foreseen, the impediment should be discouraged (by the confessor), and the spouse should be left in good faith. The same is held by Antoine (a more recent author among the stricter ones), p. 534. q. 3, where he says: If there is a probable danger that the admonition will result in a formal sin of the penitent, or a grave scandal, etc., the admonition should be postponed, and a dispensation should be granted.

[*Latin ed. p. 457*]

This is proven by: 1. From chapter *Si quis* [2] of the section on penance, district [7]. However, this passage does not truly apply to the case, for St. Augustine speaks only of the sinner who wishes to postpone penance until the end of life, and therefore says: "If I knew that it would not be useful to you, I would not give it to you" (that is, penance). Likewise, "if I knew that it would be useful to you" (namely, the delay of penance), "I would not restrain you, nor would I frighten you." Therefore, hold fast to what is certain, and let go of what is uncertain. What, then, does this passage have to do with the matter? 2. From the chapter *Quia circa* [regarding consanguinity], where Innocent III, when consulted about certain individuals

who had contracted marriage under a secret dispensation, responded to the bishop who was asking: "You will be able to conceal it, when you see that a grave scandal threatens from the separation." But this second passage also does not entirely prove the point, because at least it is not certain that the Pope, in giving this response, did not intend to grant a dispensation in that impediment (although, as understood by many, there was no dispensation present in *Controversia de Poenitentia*, part [2], chapter [8], article [5], section [4], paragraph [1], number [722]); much more so, it is possible that the Pontiff, for a most urgent reason, can also dispense from the obligation of giving new consent, as Clement XI stated on April [4], [4704], as reported by Benedict XIV in Notification [87], number [80]. Therefore, our opinion is confirmed by the authority of St. Bernard, who in his sermon [42] on the Song of Songs, says: "The woman, by turning away, concealed what she had done, and what she did was worthy of great reprehension." Therefore, the Saintly Doctor, by his warning, knew that a greater ruin would occur than if he had concealed his reprehension, knowing that evil was being done. Above all, this opinion is proven by that most valid reason, namely, that of two evils, the lesser must be permitted, in order to avoid a greater evil; hence, in the conflict between material and formal sin, the formal sin must be avoided more, since God alone punishes it, considering Himself offended by the formal sin alone. This reason will become clearer from the responses to the objections which we will soon list. The first objection is from Ezekiel, chapter [33], verse [8]: "If I say to the wicked, 'Wicked man, you shall surely die,' and you do not speak to him to warn him to turn from his wicked way, so that he may live, then he shall die in his sin, and I will not hold you accountable for his death." But does not everyone see that this passage refers to a wicked person who is in bad faith, and whom the confessor is certainly obligated to correct, so that he may recover? And so, other passages of Scripture and the Holy Fathers, which are cited to the contrary, should be understood. The second objection is: "The confessor is a doctor; therefore, by the force of his office, he is entirely obligated to instruct the ignorant, and to reveal the law." The response is that the confessor is not only a doctor, but also a physician; therefore, just as a physician, when he foresees that a warning will lead to the ruin of the penitent, must abstain from it, so too, although he is also a doctor, yet, since the office of confessor is an office of charity, instituted by Christ the Lord only for the good of souls, he must indeed give instruction, but only that which is...

[*Latin ed. p. 458*]

It is beneficial, not harmful, to those who are repentant. Otherwise, if a doctor were obligated to instruct the repentant in all truth, he would have to remove from them invincible ignorance, even if he foresaw that the warning would be unwelcome; but this, either no one will say, or they

will say it with very little probability. It is objected (III) that in this case, the ignorance of the repentant is not invincible, but vincible; and this is proven as follows: There is vincible ignorance when to someone either a doubt about a precept arises, or there is an open way to learn the precept; but for this ignorant person, the way is already open, since the confessor is ready to instruct, if he foresaw that the warning would be beneficial; therefore, the confessor is obligated to warn such a repentant, as if he were suffering from vincible ignorance. But it is answered: To constitute vincible ignorance, it is not only necessary that the way to attain the truth of the precept be evident, but it is also absolutely necessary that a doubt about the precept arise; otherwise, ignorance would always be invincible; for invincible ignorance, as defined by St. Thomas (Summa Theologica, 1-2, q. 76, a. 2), is that which cannot be overcome by effort. But when a doubt about some precept does not arise, ignorance certainly cannot be overcome by effort; how can anyone apply effort to inquire about a precept about which he has no knowledge, not even in a confused way, through doubt? Therefore, rightly, as others commonly hold (P. Segneri, in his Confessario Instructio, c. 7), invincible ignorance is present only when a person does not, from the beginning, have reason to doubt, and consequently does not even have a way to overcome his error (1). Therefore, it must be concluded that when a doubt does not arise, ignorance is indeed invincible: although, speaking by itself, there may be a way of knowing some obligation, that way is not evident to the one to whom no doubt about the obligation arises. Otherwise, if such a repentant were to be considered to be suffering from vincible ignorance, it would have to be said that, even if he did not confess, and even if the repentant, when warned, corrected himself, but the confessor, through ignorance or forgetfulness, did not notice that he should warn him, still the repentant would be condemned, because he would still be in bad faith, and in a formal sin; but this does not seem to have ever been said by anyone. Whether the confessor notices or not, in order to make the warning, is merely an accidental circumstance with respect to the repentant, from whose sole knowledge and will it depends whether the ignorance is vincible or invincible. It is objected (IV) that such a repentant, who, if warned, would not accept the teaching of the confessor, would have a will confirmed in error, and therefore, he cannot be absolved as being unprepared. But it is answered, and it is asked, what kind of disposition should be considered in the repentant so that absolution may be denied to him? Is it a present or actual disposition, or a future or inter- (1) That is: When someone has no reason to doubt and therefore does not even have a way to shake off his error.

[*Latin ed. p. 459*]

It is a matter of interpretation, that is, whether, if he were placed in such a circumstance, he would sin? It is not a matter of interpretation, otherwise,

many could not be absolved who, here and now, do not think of some sin, such as denying the faith, but, with persecution approaching, would easily deny it. Furthermore, we must say, as did Pelagius (whose error was condemned by the Church), that God does not allow some infants to reach baptism as a punishment for future sins, and He wills that some reach it as a reward for the good they would have done if they had lived. Therefore, it must be said with the least possible emphasis, that the penitent is not disposed because, if warned, he would not obey the confessor, but that he is not disposed if warned. But the confessor must not attend to the interpretative disposition that the penitent may have, but to the actual disposition that he now has. And therefore, just as it is not permissible to expose one's neighbor to an occasion in which, if placed, he would fall, so too, the confessor, when he foresees the ruin of the penitent from a warning, is bound to abstain from it, even if the penitent is left in a material sin, because one formal sin outweighs all material sins.

611. From these considerations, it is inferred, as is commonly stated by Laym. n. 5, Sanch. n. 8, Lugone n. 25, Salm. de pæn. c. 42, p. 3, n. 34, Holzm. n. 60, Pal. §. 2, n. 9, Habert, Antoine ll. cc. and others (contrary to Concina), that if the confessor knows that the penitent has invalidly contracted marriage due to some hidden impediment, and there is a danger of infamy, scandal, or incontinence, if the nullity is made manifest, then he must omit the warning, and leave him in good faith, until a dispensation is obtained; unless the dispensation (as Laym. num. 6, Pal. and Salm. ibid. n. 35 rightly say) can be easily and immediately obtained by someone with the authority to grant it, and even by the Bishop (as Palaus rightly says), so that the penitent may be freed from the material sin. See what is said about marriage, n. 4123. But can the confessor, in this case, obligate the spouse who is refusing to fulfill the marital debt to do so? Bon. de matr. q. 3, p. ult. n. 6, with Soto and Hurt, denies this, because it would be to counsel fornication; he can only, as it were, say in general, that spouses are bound to fulfill the debt. Lugo and Sanch. ll. cc. Fill. tr. 10, n. 98, Croiæ l. 6, p. 3, n. 542, and Escob. l. 16, n. 630, with Conc. Henr. Led. and Card. Ratio, affirm this more commonly and with greater probability, because, as long as the spouse believes that the marriage is valid, he is bound to fulfill it, in order to follow the dictates of his conscience (1).

612. What if the marriage is to be contracted? Holz. t. 1, p. 42, n. 61, says that in this case, a warning must certainly be given, even if it is certainly not going to be helpful, and is certainly going to be harmful; because the nullity of the sacrament must be more carefully avoided than the sin, or the infamy of the penitent. Holzm. also cites (1) « But in this case, I believe the opinion of Soto, etc., is safer, that the confessor should then say to him in general, that he cannot be absolved if he refuses to fulfill his obligation, and that the spouse is bound to fulfill the debt. » Hom. Ap. tr. 16, n. 118,

Edit.

[*Latin ed. p. 460*]

Sp. for this opinion, in *De Consecratione*, chapter 4, paragraph 9. But Sp. speaks there (and rightly) only of the case in which someone wishes to marry a relative; then because in that case, truly, there is no infamy; then because the penitent, after marriage, can easily discover its nullity, and thus easily fall into formal sins; besides other dangers of leaving illegitimate children, etc. B, on the contrary, Sanch. in *Dictio de Matrimonio*, book 38, paragraph 7, at the end, and Lugo in book 22, paragraph 24, absolutely say that even in that case, the warning should be omitted, when it is probably considered not to be useful. However, it seems to me that it is better to say, as Palao says on page 48, section 2, paragraph 9, and Salm. in *De Paenitentia*, chapter 42, page 3, paragraph 35, that, speaking generally, the warning must always be given, because frequently more inconveniences arise from marriage; and because often, after such a marriage, ignorance ceases, and then the danger of committing formal sins is easily present. Hence, Laym. in chapter 43, paragraph 6, says that in that case, the warning must be given, if there is at least some hope of benefit. And the same thing is said by Sp. in *De Consecratione*, chapter 4, paragraph 29, regarding an illicit contract. But if the confessor is certainly morally hopeless of any benefit, then Croiae in book 6, page 3, paragraph 540, rightly says, with Aversa (with whom Pal., Salm., and Laym. seem to agree), that the warning should be omitted, until a dispensation is obtained; because it is better to allow a material sin, than to provide an opportunity for a certain formal sin. The argument of Holzmann is not valid, because (as Sanch., Pontius, Vasq., Salas, Salon, and others say), the sacraments do not demand greater reverence than divine precepts. Therefore, if a material sin can be permitted in divine precepts, as Holzmann himself admits in paragraph 60; why cannot a material irreverence of the sacrament be permitted in such a necessity, that a formal sin may be avoided?

613. — But here is a case that is very easy in its outcome, and difficult in its solution. The question is: what should be done, if the betrothed come to the church to contract marriage, and one of them reveals to the confessor a hidden impediment, while everything is prepared, and it is not possible, without scandal and infamy, to postpone the marriage? Sanch. in *De Matrimonio*, book 2, book 40, paragraph 8, Boss. page 4, paragraph 4206, and Bon. in the same, title, question 3, page 15, paragraph 6, with Guttier, suggest that the penitent should make a vow of chastity for a time, say, for a month. But this remedy, as Roncag. page 172, question 2, and the Author of the *Instructio pro Novis Confessariis*, page 2, chapter 4, paragraph 31, say, seems to be rightly dangerous, because of the suspicion that it can easily arouse in others; especially since this remedy is prescribed by many casuists. Therefore, Lugo in book 22, paragraph 24, and the afore-

mentioned Author of the *Instructio*, etc., say that it is more prudent to let the betrothed go in good faith, and allow them to contract the marriage; and Laym. in *De Paenitentia*, chapter 43, paragraph 6, agrees with this, if there is absolutely no hope of benefit from the warning. Most Reverend Doctors, and it is very probable, teach that in this case, it is possible to...

[*Latin ed. p. 461*]

To grant a dispensation; thus says Sanchez. d. 40. n. 3. et 7. Bon. n. 4. Cabass. T. J. l. 3. c. 27. n. 4. Pignatel. t. 3. consult. 33. Suar. de leg. l. 6. c. 14. in fine, Spor. de leg. p. 50. n. 353. Conc. de matr. p. 343. n. 5. Pontius. l. 9. c. 6. n. 6. Dian. p. 8. tr. 3. r. 80. Pal. p. 48. §. 2. n. 9. Salm. de matr. cap. 14. p. 4. n. 44. Kivaq. 6. art. 4. n. 8. Elbel. p. 500. n. 493. cum Gob. Fili. Mastr. et Croica de mair. n. 838. cum Vasq. Sylvio, Barbosa, Hurt. Reg. Vill. Salas, Poss. Molfes. Machad. et aliis plurimis cum Card. (qui dicit esse sententiam moraliter centam) et Pyrrho, ac Corrad. (qui testatur ita declarasse Sictum V.) et communem vocat Bened. XIV. de Synod. l. 7. c. 34. n. 2. (contra rigidissimum Fagnanum , qui in c. Nimis, de filiis presb. , negat, etiamsi id oporteat ad legitimandam prolem in articulo mortis; adversus communem DD. cum Pignatel. t. 3. Cons. 33. qui n. 8., ex aliis id extendit etiamsi impedimentum fuerit publicam): The reason is, either because it must be presumed that the Pontiff delegates to the Bishop the faculty of granting dispensations, which He certainly would not deny to him; or because (as Sanchez argues in numbers 3 and 7), the Bishop can, within his diocese, do whatever the Pontiff can do in the entire Church, unless the Pontiff has reserved something for Himself (according to what many say about marriage, see below, n. 980. Dub. 4.); therefore, if the Bishop cannot grant a dispensation in these cases, it follows that the Pontiff has reserved that power; but since the reservation is made for the sake of charity, and for the good governance of the Church, it is not likely that the Pontiff would reserve the dispensation to Himself in a case of such necessity, when otherwise scandals could not be avoided; for this would be contrary to charity. Therefore, in that case, it is understood that the reservation ceases, and therefore the Bishop, by his ordinary power, can then grant a dispensation, just as he can in other pontifical laws, when access to the Pope is not possible. And in that case, it is probably said by Sanchez, n. 14. Elbel, l.c. Bon. n. 6. cum Valent. Vasq. Salas, Henr. ac Salm. de matrim. c. 44. p. 4. n. 42 cum Con. Pal. Basil. etc., that Bishops can legitimately delegate this faculty of granting dispensations to others, even generally for all cases that may arise, because this faculty is granted to Bishops by reason of their dignity, from which they derive the conditions of ordinary power. (The Bishop's vicarious, by reason of his office, certainly does not have this faculty, as noted by Salm. ib.) Moreover, Pignatell. t. 3. consult. 33. n. 5. adds, and proves there, that in that case the law which prohibits such a marriage from being contracted is considered to cease entirely; for every law (as he says) is ordered for the public good, as is

commonly held by all, from c. 2. de Observ. Jejun. where it is said that necessity makes the law null and void, and from c. 2. dist. 4. where St. Isidore says: "A law will be honest, possible according to nature, suitable to the place and time, useful, and also manifest, etc." Therefore, when a law becomes harmful, it certainly does not obligate, as taught by D. Th. 2. 2. qu. 420. art. 4. where it is said that when something is contrary to the common good.

[*Latin ed. p. 462*]

It is harmful to follow a law that is detrimental. Cajetan, *Locum Communem*, chapter 16, paragraph 37; Soto, *De Justitia*, question 6, article 8; Pignatelli, volume 3, consultation 33, paragraph 5, with Covarrubias, Ledo, and others, throughout; Salm, *De Legibus*, chapter 4, page 2, paragraph 45; and Palafox, *Tractatus*, volume 3, page 4, paragraph 4, who demonstrate that a law that is not conducive to the common good is not a law, nor does it create an obligation. Therefore, Pignatelli states that someone inferior to the legislator can declare that a law is suspended and does not obligate, because, in that case, if even the Pontiff wished to enforce the law, such a will would consider evil, since it would be a cause of scandal, which should not be presumed. Thus, Roncaglia states, page 172, question 2 (whose opinion the Author of the *Instructiones pro novis confessionariis* cites, page 2, paragraph 32, from Giordano, and Pignatelli, as above, and that it should not be rejected as improbable and unsafe in practice) that if, at times, even access to the Bishop is impossible, and there is no other way to avoid a very serious danger of infamy or scandal, a parish priest or another confessor can declare that the law is suspended in that case, because the same reason (as above) applies, namely, that the law ceases when it is more harmful than useful. And although here the end of the law does not cease in the general sense, but in the particular case, nevertheless, since the end of the law ceases in the opposite direction, the law also ceases, as all agree with Salm, *De Pænitentia*, chapter 4, page 4, paragraph 6. (1). However, these authors note that even if a marriage is permitted in such a case, recourse must nevertheless be had to the Holy Penitentiary, in order to obtain a dispensation, for the sake of greater security, and to preserve the reverence due to the laws of the Church.

II. It is inferred that when there is no expectation of benefit, the warning, even regarding restitution to be made, should be omitted, as Layman states, chapter 13, paragraph 4; Lugo, book 22, paragraph 26; Roncaglia, page 94, question 4, ruling 2; Sporer, *De Pænitentia*, paragraph 795; Viva, question 8, article 5, paragraph 5; Elbel, page 344, number 471, with Tamburini, Sanchez, book 2, book 38, paragraphs 8 and 40, with Cano, Henry, Ledo, Metz, Cordes, Holzapfel, volume 4, *De Conscientia*, chapter 3, paragraph 53, with Henno, and others, and Salm, *De Pænitentia*, chapter 42, page 3, paragraph 34, with Vasquez, Suarez, Concio, Pontius, Villalobos, Aversa,

etc. (contrary to Concina, Habert, and Antoine, page 534, question 3, the last two of whom openly contradict each other regarding the reason for the warning about marriage and restitution). The reason is that the confessor, foreseeing that by warning the penitent about restitution, the penitent will not obey and will fall into formal sin, should be more careful of the penitent's spiritual harm than of the other's temporal loss. However, Viva and Roncaglia rightly warn that it should not be easily judged that the penitent, knowing the truth, will not obey the warning.

III. It is inferred that the warning should also be omitted when there is fear (1) « They also state, and not without reason, that in this case, the law of impediment could be considered harmful, and that a parish priest or another prudent confessor could declare that such a law does not obligate. » *Homo Apostolicus*, book 16, paragraph 114, edition.

[*Latin ed. p. 463*]

Scandals of others, infamies, quarrels, and similar things; thus Suarez, d. 32, sect. 4, n. 3. Sanchez, dicta d. 38, n. 10. Laym, c. 43, n. 5. Lugo, d. 22, n. 7. Pal, §. 2, n. 8. Ronc, p. 94, q. 4, r. 2, and Salm, l. c., at the end, with Vasquez, Conc. Corar. Dicast., and Granado. Because it always benefits to avoid formal evils of others, rather than material ones of the penitent. 615.

However, it must be excepted, I, when the damage would be detrimental to the common good; for although the confessor is bound by the nature of his office primarily to attend to the good of the penitent, nevertheless, since he is a part of the republic, and is instituted for the good of the Christian commonwealth, he is bound to prefer the public good to the private good of the penitent; thus, as Busemb. states, as above, Lugo, d. 22, n. 30. Ronc, l. c., r. 4. Salm, ibid., n. 37, with Aversa, Dic., and others, generally. Hence, the parish priest must certainly be admonished who, erroneously, even through invincible ignorance, instructs the people concerning morals. The same must be admonished who, in good faith, believed himself to be a priest, when he was not, because he would confer sacraments invalidly. Also, he who is ignorant of the nullity of a marriage, if that nullity concerns public reputation, must be admonished. Furthermore, Salm, ibid., n. 40, with Busemb., from Lugo, d. 22, n. 3 (whose doctrine the Pope proposes as most salutary for confessors in the bulla cited below), adds that confessors ought to admonish bishops, prelates, princes, governors, confessors, and the like, who, through invincible ignorance, act wrongly concerning the granting of benefices, the election of ministers, the governance of subordinates, the granting and election of superfluous benefices, the administration of the sacrament of penance, etc. The reason is that it rarely happens that such ignorance is blameless, or is not harmful to others, who easily believe that what they observe being done by superiors is permissible. Indeed, His Holiness Pope Benedict XIV, in his Apostolic Bull, issued on June 26, 1749, rightly warns the penitent, if he is involved in circumstances that,

if concealed by the confessor, would strengthen the sinner in his wicked deed, causing scandal to others, when someone believes that such things are permissible, which are practiced without impunity by those who frequent the sacraments. Furthermore, Lugo rightly adds that if the confessor reasonably doubts whether such a penitent has fulfilled his duty, he is bound to question him about it. 616.

It must be excepted, II, if the penitent asks, then the confessor is bound to reveal the truth, and he cannot conceal it; because, since he has already begun to struggle with vincible ignorance, the confessor's concealment would be an approval of error; thus, Suarez, d. 32, sect. 4, n. 2 and 3. Laym, c. 43, n. 6. Pal, n. 10. Lugo, d. 22, n. 29. Salm, de pæn., c. 42, p. 3, n. 36, and others, generally, with Sanchez, d. 38, n. 14, who makes an exception, if the penitent did not ask out of doubt, but out of scruple; because then (as he says), if the confessor conceals, he would also remain in good faith. But Lugo and Salm, l. c., in the middle, with Soto, Led., Lop., etc., do not admit this, because, once the questioning has been made, the penitent will subsequently—

[*Latin ed. p. 464*]

By the authority of the confessor, which he previously performed out of ignorance. It is truly said by Sanchez, n. 8; Suar., Laym., and Sporen, cited above, that when a penitent asks a question, the confessor should not answer more than what the penitent asks: for example, if someone bound by a vow of chastity asks whether marriage entered into because of the vow is invalid, and whether he is obligated to render the debt to his wife, the confessor should affirm both, remaining silent about the obligation not to ask, even if he knows that the marriage is null because of some impediment. Exception III: if the penitent is about to be given a brief admonition, even if he does not initially agree; thus, Laym. speaks wisely in chapter 13, n. 5, at the end: "The confessor must consider how great and how long the discomfort from the admonition is feared; for it sometimes happens that the penitent, initially disturbed in spirit, rejects the salutary admonition, but later, with a calmer mind, receives the same with benefit." Moreover, Lugo says in part 22, n. 30, that the penitent should be admonished, even if he is about to suffer scandal, when the scandal feared is expected to be brief, and there is hope that the admonition will have its effect afterward. But this passage should be understood better, as stated by Benedict XIV in the aforementioned Apostolic bull, in the case where, as he says, the confessor, by concealing something, would encourage the sinner in a wicked deed, causing scandal to others; or when someone is on the verge of committing a sin, not in external acts, but at least in wicked desires and stubborn pleasures to which he is accustomed. Now, should an admonition be given in a doubtful case, whether it will be beneficial or harmful? Answer: if there is no fear of harm, it should certainly be given; but if there is doubt both

about the harm and the benefit that will follow, then the confessor must weigh the harm and the benefit, as well as the degree of fear of harm and the hope of benefit, and choose what he judges to be more important; thus, Lugo says in part 22, n. 34, and Salm. de pœn., chapter 12, p. 3, n. 39, with Dicast. and Aversa. Furthermore, in a doubtful case, it seems to me that it is regularly advisable to say that formal evils are to be avoided rather than material ones. Hence, speaking of fraternal correction, P. Concina says (in the treatise on Eletemos, chapter 3, n. 9), that in a doubtful case, whether the correction will be beneficial or harmful, it should be omitted, because (as he says) he acts imprudently who commits himself to a moral action when he is in doubt. 647. — "Answer 2: In order for the confessor to licitly administer this sacrament, he must be in a state of grace, otherwise he will commit a mortal sin." (See statements n. 3, vol. 1.) "Also, he must be such that, through this, he will not expose his neighbor to mortal sin; the first part is clear from the statements about the sacraments in general. Whether, however, the one who hears commits a greater number of sins in one moral act, some deny, as Rod.; others affirm, as Bon. here." (See statements l. 2, n. 50, v. Qu. 6, where this is entirely denied.) "The second part is clear."

[*Latin ed. p. 465*]

Wherefore, this case is resolved as follows. A confessor who is conscious of a mortal sin is bound, before granting absolution, to elicit contrition from the penitent, or at least to ensure that the penitent has some degree of contrition (cf. statements on this matter in book 6, no. 36). He himself must exhort the penitent to confess his sin. However, if the confessor is unexpectedly called to administer the last rites to a dying person, and he is unable to elicit contrition, or if he believes in good faith that he has elicited it, he does not sin by granting absolution. *Præpos. Lugo, Tamb. l. 3. c. 2. §. 3.* (cf. statements no. 33).

618.— "Reply 3. If he grants absolution improperly, committing a fundamental defect, e.g., if he does not use the proper form of words, or if he absolution from reserved penances that have not been imposed, he is bound to urge the penitent to make a new confession, if he can do so without causing scandal, shame, a breach of the seal of confession, or harm to the penitent; otherwise, he is not bound to do so. If he does not absolve from the prescribed penance, he may absolve from it (if, or when, he has the power to do so) even an absent person." (cf. statements on penances, no. 417). "Bonac. de cens. in comm. d. 4. q. 3. p. 6. ex Suar. Fili. t. 44. c. 40. qu. 7. Reg. Nav. Rodr."

If he did not sufficiently inquire about the number, nature, or other circumstances of the sins, he is, as a general rule, not bound to do anything beyond urging the penitent to make a confession; for he is not to give counsel outside of confession, since the judgment is considered complete. However, if the same penitent returns to confession, he must be warned about the

omission, because otherwise, the confession will not be complete, since certain things have not been confessed properly. I said, "If he did not inquire," because if he positively stated something, he is not bound to warn about the number, nature, etc., if he can do so without causing serious scandal or harm; for it is a reason why another person might violate a serious precept, namely, the precept of confessing those sins. *Lugo d. 22. sect. 3.*

If he neglected to warn about restitution, he should warn if he can conveniently do so, (either in confession, or outside of it, if the penitent comes to him beforehand; but if he refuses, he is not bound to do anything further) as Tamb. l. 3. c. 8. and Sanch. argue against Suar. However, if he cannot conveniently do so, he is bound by charity to commend the matter to God. *Laym. l. 5. t. 6. c. 9. Henr. Suar. Sylv. Mercer. in 3. p. q. 9. art. 4. Dian. p. 4. r. 498. et p. 4. t. 4. r. 409.*

It should be noted that if, however, (through a serious or mortal sin against the right of another), he had said that the other person was not bound to make restitution, or otherwise (e.g., by persuading him of a false opinion), was the cause why he did not make restitution, or why he suffered damage, either to himself or to another, then he himself is bound to make restitution, unless he warns the penitent promptly, before the penitent becomes unable to do so; for his action was an unjust cause of damage. If, however, he did so without serious fault, he is nonetheless bound to warn the penitent, if he can conveniently do so; otherwise, he is bound as in the previous case. If he cannot conveniently do so, he will be excused. See Suar. Con. d. 8. d. 77. Bon. Dian. t. 4. m. r. 4. Lugo d. 22. s. 3. n. 51. and supra l. 4. t. 5. c. 2. d. 4. art. 2. cas. 12.

649.— Here, it is necessary to distinguish several doubts that arise in this matter.

[*Latin ed. p. 466*]

They observe. I. To what is the confessor bound, if he erred concerning the validity of the sacrament? If he erred without fault, all agree that he is not bound to warn the penitent of the error, especially if it involves a grave detriment to his reputation or honor; thus Lugo, d. 22, n. 58; Salm. de pœnit., cap. 12, p. 4, n. 56; Sporer, p. 274, n. 803; Viva, q. 8, art. 5, n. 10; Elbel, p. 332, n. 437, and others, passim. The reason is that, in such a case, the confessor is bound only by charity to give the warning, which obligation does not extend to causing a grave detriment. However, this applies only to a delegated confessor; otherwise, a different judgment seems to be required concerning the parish priest, as stated in l. 3, n. 40, above. More strictly, because the parish priest is bound by justice to repair any grave spiritual damage to his parishioners. However, the aforementioned authors rightly add that any confessor is bound to inform the penitent of the nullity of the absolution granted to him, if that person is at the point of death or in grave danger and unable to confess again. But what if the confessor, through

grave fault, erred concerning the validity of the sacrament, is he then bound to warn him, even if it causes him a grave detriment? The first opinion denies this, and Bonac., q. 7, p. ull., n. 4; Suar., d. 32, sect. 6 and 7, agree with this view, citing St. Antoninus, Sylvester, Navar, and Cordes. They consider it probable, as does Salm. de pœn., c. 12, p. 4, n. 56, citing Vasquez, Hurtado, and Aversa, etc. The reason is that such a precept does not seem to obligate to such an extent; furthermore, just as the penitent himself would not be bound to confess his sins with such detriment if he had been warned, so neither is the confessor. However, Suarez makes an exception if the confessor has deceived the penitent, leaving him in a situation where he is about to commit a sin. The second opinion, which we follow, affirms that the confessor is bound, and Lugo, Viva, Sporer, and Elbel, as well as Tamb., Meth. Conf., l. 3, c. 8, n. 5, and Leander, apud Salm., loc. cit., agree with this view. The reason is that, although the confessor accepted the penitent's confession out of charity, once he has heard the confession, he is bound by office, and by a quasi-contract with the penitent, to properly administer the sacrament to him; therefore, if he administered the sacrament invalidly through his own fault, he is certainly bound, even if it causes him a grave detriment, to warn him of the error; thus, this refutes the first reason given. Furthermore, it is objected to the second opinion that, if the penitent had been warned, he might have provided for himself without confession by eliciting an act of contrition; but the confessor cannot leave the penitent ignorant and lacking the grave benefit of sacramental grace. We have said "if it is permissible," because Coninck, Bon., and Sporer, apud Croia, l. 6, p. 2, n. 1785, argue, more probably (contrary to others), that if a grave offense to the penitent would follow from the warning, then the confessor is not bound, and cannot warn him, because the seal would be violated, as stated in n. 622. Furthermore, it seems probable, with the aforementioned authors of the first opinion, that if the penitent has confessed again to another, then the confessor is not bound to warn him with a grave detriment about the nullity of the first confession. The reason is that, in such a case, he is already morally certain.

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The penitent is considered justified; and therefore, just as the penitent is not obligated to diligently ensure the integrity of the confession, neither is the confessor. And the same can be said if the penitent subsequently receives the Eucharist, because (as we have said regarding the sacraments in general, no. 6, with St. Thomas and others) the Eucharist, when received with attrition and good faith, confers the first grace, even accidentally.

620. — Objection II. What if the error is not regarding the value [of the penance], but regarding the integrity of the confession, namely, if the confessor fails to inquire about the kinds and number of sins? The answer is: If the confessor was negligent in not inquiring, then he is not obligated to

warn of the error, except within the context of the confession, as Lugo says in book 22, no. 75; Sporer says in no. 804; also Suarez and Arriaga, in Croice, no. 1779. And this is true even if the confessor culpably neglected to inquire. The reason is that the obligation to make a complete confession directly affects the penitent, not the confessor; therefore, although the confessor is obligated within the confession to inquire of the penitent about the kinds and number of sins, in order to form a judgment about the state of the case and the penitent, once that judgment is finished, this obligation ceases for the confessor. However, if the confessor positively dissuaded the penitent from explaining the kinds or number [of sins], then, if he did so with grave culpability, he is obligated, with the penitent's permission, to warn him of the error, even outside the confession, but without causing scandal or serious harm to him; as Lugo says in no. 73 and Sporer in the aforementioned passage. For just as a serious harm excuses the penitent from the integrity of the confession, so too it excuses the confessor. If, however, the confessor did not sin gravely in this matter, then a much lesser reason suffices to excuse him from giving a warning. Hence, Lugo says in the aforementioned passage, as do Tamborini in book 3, chapter 8, no. 3, with Fillon and Suarez, and Arriaga, in Croice, in the aforementioned passage, that the confessor who, in good faith, excused the penitent from explaining the kinds or number [of sins] is not regularly obligated to warn him outside the confession, because he cannot regularly (I always mean regularly) do so without causing discomfort or embarrassment.

621. — Objection III. To what is the confessor obligated if he positively excused [the penitent] or failed to warn him about restitution that must be made? The answer is: If he positively excused him with his own grave culpability, all say that he is obligated to give a warning, even if it causes serious discomfort, either within the confession, if the penitent returns to confess soon; or outside, by asking for permission, if he does not return. Otherwise, by not warning, or by warning after the penitent has become unable [to make restitution], the confessor himself will be obligated to make the restitution: in the case where (it should be understood) the penitent had already made restitution, if he had been warned. Thus, Lugo says in book 22, no. 61; Paleari, page 48, § 3, no. 5; Bonacini, on restitution, question 7, page 4, § last, no. 22; Viva, on penance, question 8, article 5, no. 10; Elbel, page 233, no. 439; Sporer, page 274, no. 805; and Sulm, on penance, chapter 42, page 4, no. 50, with Granc, Gabr., Bonasp., and others, throughout. The reason is that the confessor, through his unjust counsel, has already been the cause of harm. If.

[*Latin ed. p. 468*]

Verily, if he has absolved the penitent without grave fault, he is not bound to warn him again of the grave inconvenience of restitution; rather, he is bound, if he can conveniently, as Salm. states ibid. n. 54, with Aversa, and

Dicat. Moreover, he is bound even with some inconvenience to himself, as Lugo rightly states n. 66, and Elbet, Viva, and Sporer assert, because everyone is bound out of charity to repair a serious injury to his neighbor. But if the confessor, at that time, omits to warn [the penitent], when he could do so without serious inconvenience to himself, is he himself bound to make restitution? Sanch. denies this in Cons. l. 4, c. 3, dub. 5, n. 2, because, as he says, the confessor is not bound by justice to warn [the penitent] at that time, since he is not the positive cause of the damage, but only a negative one, namely, by remaining silent, he only makes manifest the penitent's known obligation; therefore, he is bound to warn only out of charity, which does not obligate him to make restitution. And Cajetan agrees with this opinion in v. Restitutio c. 7, in fine, where he says: If the confessor teaches something false, believing it to be true, he is not bound by the law of justice. And Nav. says the same in ap. Sanch. l. c. But others, and those of greater authority, affirm: Lugo n. 63, Sporer, Elbet, Viva, and Salm. ibid. n. 54, with Aversa, Dicast., etc.; also Aragon. and Salon. apud Sanchez. The reason is: although the confessor, without grave fault, has at least absolved the penitent from the obligation of restitution, yet, since his counsel continues to have an effect on the creditor's damage, and he is aware of the error, he himself is bound by justice to remove the cause of the damage, if he can conveniently; otherwise, he is obligated to make restitution, since he himself is now the cause of the damage, just as if he, without grave fault, set fire to another's field, he would be bound, if he can conveniently, to extinguish it by justice. See the statement in l. 4, n. 994. Busemb., as mentioned above, Lugo n. 64, and Bonac. rightly point out that if the confessor has already warned the penitent, before he became incapable [of making restitution], then he is bound to nothing, even if he had previously, culpably, absolved him from restitution; because, at that time, the effect of his counsel was only due to the authority of the confessor, and, when that counsel is revoked, its influence ceases. But what if the penitent, at the time of confession, was disposed to make restitution, if he had been warned, and afterwards, changing his mind, refused to make restitution when he could? Antoine p. 5448, qu. 40, r. 2, says that the confessor is bound to nothing, because, at that time, the confessor, by his warning, removes the cause of the damage, and therefore, if the penitent does not make restitution, it is due to his own malice. But the most wise Lug. rightly does not excuse the confessor from restitution in that case: the reason is, that although he who gives bad advice authoritatively, when that advice is revoked, is no longer bound to anything, as the Doctors commonly teach in l. 4, n. 559, this applies only when the damage has not yet been done; it does not apply when damage has already been caused to another by the advice. But when the confessor positively and culpably absolves the penitent who was disposed to make

restitution, then he himself...

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It is the cause by which actual damage is inflicted upon the creditor, whereas, if the penitent were not to make restitution, the restoration would actually occur; therefore, if the damage has already been inflicted, the confessor, even if he subsequently seeks to persuade the penitent to make restitution, will not himself be excused from restitution, since he himself has been the cause of the damage inflicted. This, however, applies if the confessor has positively prevented restitution. If, however, he has acted negatively, by neglecting to warn the penitent about restitution, then a distinction must be made: if he has done so without fault, he is not obligated to warn the penitent, even if it would cause him significant inconvenience; but he is obligated to do so to a lesser extent, as we have said, because charity obliges one to repair, with a slight inconvenience to oneself, a serious harm to one's neighbor. And on this point, Lugo, in number 63, states that the inconvenience must be measured in relation to the damage; so that, if the damage is very serious, there may arise an obligation to repair it, even at a notable inconvenience. If, however, the confessor has negligently failed to warn about restitution, then, as Lugo, Elbel, and others state, he is justly held to be obligated to warn, even at a greater inconvenience. But is he himself obligated to make restitution by omitting this warning? If he omits it without fault, all agree that he is not obligated. But it is doubtful whether, if he acts culpably, he is obligated to make restitution. The first opinion is: absolutely yes, and this is held by Navarrus, chapter 47, number 22; Filipe, treatise 32, chapter 3, question 12, number 79; and also by P. Navarrus, Molinos, Sarius, Medrano, Avogadro, etc., as cited by Bonaventure, in *De Reparatione*, part 1, question 2, page 14, number 45. Because, as they say, the confessor is bound by his office to teach the penitent about his obligation; otherwise, by not teaching, he himself is the cause of the damage. The second opinion, held by Lessius, book 2, chapter 43, numbers 77 and 78, and by the Author, page 544, question 40, response 3, holds that the confessor, as a delegate, is not obligated; but the parish priest is obligated, because the parish priest is obligated by his office to prevent his subjects from inflicting damage on others. The third opinion, which is the most common, and is held by Suarez, part 32, section 6, number 9; Palafox, page 48, section 3, number 6; Sanchez, *Decreta*, book 1, chapter 6, number 5, and book 2, chapter 41, number 23; Cabassol, book 6, chapter 43, number 44; Azorín, book 4, chapter 16, question 3; Elbel, number 440; Salm, *De Poenitentia*, chapter 12, page 4, number 52; Croio, number 4781, with Vasquez, *Dianae*, page 4, treatise 4, response 1; and Bonaventure, as cited above, with Valentia and Rega; and Lugo, number 67, with Conciles Maldero, and others (and Lessius himself considers it probable, as cited above), teaches that the confessor, whether delegate or parish priest, is not

obligated to make restitution. The reason is that the delegate is obligated to warn only out of charity, which does not obligate to restitution. But the parish priest, since he is established only for the spiritual good of his subjects, is obligated by his office to prevent spiritual harm to them, but not temporal harm to others. And I believe this to be the truer opinion (whatever Croio may say to the contrary), even if the confessor diligently neglects to warn the penitent, so that he himself does not make restitution; because, even then, there is no positive influence on the damage to others, which is entirely required for an obligation to arise.

[*Latin ed. p. 470*]

Regarding the obligation of restitution, as the same Croix states in book 3, page 2, number 148, and as Doctors commonly teach according to the aforementioned, in book 4, number 584, 622. — A question arises: Can the confessor speak outside of confession with the penitent about a fault committed in confession, without the penitent's permission? The first opinion states that not only is it permissible, but it is even required, and this is defended by Suarez, book 33, section 5, number 3; Petroc, volume 4, page 96, number 3; Spor, number 822; and Fill., Turr., Hurt., Meratius, Lohn, etc., apud Croix, number 1776. Laym considers it probable, in chapter 14, number 15; Pal, page 18, section 3, number 6; Escob, book 16, number 675; Bon, page 15, final section, number 21; and Salm, on penance, chapter 14, page 3, number 44. The reason is that such a warning supplements and perfects the confession that had begun, but remained imperfect; therefore, even if the penitent refused permission, the confessor could manifest the fault to him, since he would then be unreasonably unwilling. The second opinion, to which I subscribe, denies this, and Sanch, on marriage, book 3, distinction 16, number 3; Lugo, distinction 23, number 430 (who states that it contradicts the common opinion of theologians) agree with this, and consider it more probable, as do Croix, Pal, Escob, books and chapters, with Soto, Vict., Fagn., Rodr., Philiarc, and Salm, ibid., with Sylvio, Val., Bonac., Reg. Aversa, Gab., Megala, Graff, and Dian. The strongest reason is that, although that warning aims to repair the defect of the preceding confession, nevertheless, since it is not connected with it, and the judgment has already been completed, it becomes illicit, because it would be a certain reproach of sin, and therefore would render the confession odious. However, this must be understood: if the confessor has already completed the judgment by granting absolution, then he can, without the penitent's permission, tell the penitent that he has not absolved him; in this case, there is truly no reproach of sin involved.

623. — What is the obligation of the confessor to hear the penitent, and to what extent? It is answered: 4. Any priest, even a simple priest, when another is not available, is obligated in extreme necessity, e.g., in danger of death, to hear and absolve one who wishes to confess. The reason is the

law of charity. 2. A parish priest, and any priest in charge, is obligated to hear the confession of his subject, not only in a case of necessity, or when an urgent precept of confession is given, but also, at least by himself, or through another, whenever the penitent reasonably requests it; e.g., if he is in some serious spiritual difficulty, or wishes to earn an indulgence, etc., because he is obligated to promote his spiritual well-being. Suarez, Vasq., Lugo, etc. However, if he were to request it too frequently, or at an inappropriate time, he would be excused. Aversa, question 16.

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Section 11. Suarez, in his arguments against Baius, teaches that if someone denies or delays [confession] even once, or twice, it does not constitute a grave sin, due to the lightness of the matter. Aversa, in his work, agrees, stating that this is so if the request is not made due to an urgent occasion, such as a solemn feast, etc. (See the aforementioned passage in book 6, number 58).

Response 3. Whenever someone, out of pure devotion, wishes to confess, the parish priest is obligated to hear him, contrary to the opinion of Sylv. Reg. This is taught by Azor, Suarez (Contra Baius), Molf, Lugo, etc. However, Aversa, in the aforementioned work, rightly limits this, stating that this obligation only applies if there are no other confessors available, and the parish priest is not legitimately prevented from hearing confessions.

Response 4. Other priests are not, in themselves, obligated to hear confessions; however, if they have begun to hear confessions, they are obligated to administer absolution, unless something prevents them, and they cannot refer the penitent to another priest, because the penitent, by coming to them, has a right to absolution, and cannot be deprived of the fruit and grace of the sacrament. (Aversa, in the aforementioned work).

624. Question 1. Is a confessor who is not a parish priest obligated, under the threat of death, to administer absolution to a dying person? The first opinion states that he is not obligated, and this is defended by Nav. Man. chapter 24, number 9; Coninch. decree 25, number 89; and also by Soto, Mald., and Sa, as cited by Lugo, decree 22, number 12, who consider it probable. The reasoning is that, since the person can, if possible, save himself from the danger of damnation by eliciting an act of contrition, he is not in such dire need that another person is obligated to help him, even at the risk of his own life. However, Coninch, in the aforementioned work, limits this, stating that if such a sick person is in extreme necessity, namely, if he is unaware that contrition is necessary for him, or does not know how to elicit it, then it is truly the case that this often happens with the uneducated.

The second opinion, which is more pleasing to me, affirms that a confessor is obligated, and this is held by Suarez, decree 9, section 2, number 3; decree 32, section 7, number 4; Contra Tourn. on penance, part 2, chapter 8, article 6, number 897, and following; and also by Valent. and Lorca, as cited

by Lugo, number 12. The reasoning is that, although, strictly speaking, the dying person might be able to provide for his own salvation through contrition, it cannot be denied that he is exposed to great danger to his eternal salvation if he is left without absolution; and just as, if the damnation of the person is certain if he is not absolved, one is obligated to risk certain death; so I say, if the person is in probable danger of damnation, one is obligated to help him, even at probable risk of death, according to the law of charity, which obligates one to expose one's temporal life to save the spiritual life of another. However, if the priest does not know that the person is in mortal danger, he is not obligated to administer absolution under the threat of death, as stated by Tolet. and Verricel, as cited by Contra Tourn., who does not disapprove (4).

625. Question 2. Is a simple priest, who lives in a town where there is such a shortage of confessors that the inhabitants suffer a great need?

(1) St. Alphonsus calls this second, affirmative opinion the more true one, in his *Homo Apostolicus*, treatise 16, number 125.

[*Latin ed. p. 472*]

In matters of spiritual concern, one must consider whether it is safe in conscience to neglect receiving confessions, or, if able, to make oneself available to administer them. I have not found this matter discussed by any author on moral theology; however, a certain small book came into my hands, titled "To the Parish Priest," whose author's doctrine and piety are attested by his other works. In it, the following is stated: "He who has the ability to hear confessions, and sees in his land a lack of confessions, and knows that they are either not frequented, or are poorly administered, is obligated to administer this sacrament; and if he is not of very advanced age, he is obligated in conscience to make himself as suitable as he can (1)." The same author cites the authority of Father Pavone, of the Society of Jesus, a very learned and pious man, who wrote in his works: "The obligation of a priest is to obey his prelate, when he commands him to hear confessions, if he has no legitimate impediment, because the prelate can command, and I have no reason to keep the talents of my mind idle... Moreover, I am obligated to offer myself to the Bishop, and to ask him for the faculty to hear confessions, when I realize that the people are in grave need due to the lack of confessors (2)." Briefly, on this point, I will state what I think. It is certain that priests are instituted by God to be concerned with the salvation of souls; just as the divine Father sent His Son, that the world might be saved through Him, so too did Christ the Lord send priests, that they might succeed in His office, and fulfill it as His legation, as the Apostle says: 1 Corinthians 3. And Himself, Christ the Lord (John 20:21): "He said therefore to them again." Therefore, the Council of Trent, session 23, chapter 14, requires that those who are to be promoted to the priesthood, to teach the people those things which all must know for salvation, and to administer the sacraments, be

proven to be suitable. But the principal obligation of priests is to administer the Eucharist and the sacraments of penance, for to this they are given a double power: to sacrifice and to absolve from sins. Indeed, especially for this ministry of absolution, Christ the Lord poured forth the Holy Spirit, as He Himself testified in the Gospel, saying: "As the Father hath sent me, so I send you." Having said this, He breathed upon them, and said to them: "Receive the Holy Spirit; whose sins you remit, they are remitted to them." Therefore, if Christ sent priests especially to save souls, by absolving them from sins, it follows that this is the proper duty of priests, and that...

(1) That is: If someone is capable of hearing confessions, and sees in the place where he is, a lack of confessions, either not frequented or poorly administered, he is obligated to administer the sacrament of penance; indeed, if he is not already of very advanced age, he is obligated in conscience to make himself, as best he can, suitable for this.

(2) That is: It is my duty as a priest, to delay, when commanded by my prelate, to hear confessions, if I have no impediment; for it is up to the prelate to command, and it is my duty not to let the talents of my mind be idle. Indeed, when I realize that the people are in grave need due to a lack of confessors, I am obligated to offer my services to the Bishop, and to ask him for the faculty to hear confessions.

[*Latin ed. p. 473*]

Having thus established these points, I do not see how those priests who, through negligence, withdraw themselves from this duty can be safe in their conscience, and can be excused from the Lord's reproach, and from the punishment inflicted upon the idle servant who hid the talent, as is written in Matthew, chapter 25, verse 48, a passage which interpreters (such as Cornelius à Lapide, Calmet, and Tirinus, along with St. Ambrose) properly explain as referring to those who are able by their work to provide for the salvation of souls, and who neglect to do so. "Let them take note," says Cornelius, "those who do not use the talents, whether of intellect, learning, or other gifts given to them by God, for their own and the salvation of others, either through laziness or fear of sin; for they will give an account to Christ on the day of judgment." Nor should such priests say that they sufficiently fulfill their obligation if they assist souls in other ways, namely, by instructing, correcting, and praying, without administering the sacrament of confession; for they are bound to assist them in that which they need for their own salvation. For if a neighbor is in need of food, you must help him with food, not with clothing. It often happens in towns that many do not need instruction or correction, because they are already sufficiently instructed and prepared for confession; but what is lacking is a priest who will receive their confessions. It is not valid to say that a simple priest, if he were obliged to receive confessions, would be obliged only out of charity; but this obligation does not apply when there is a serious inconvenience,

such as the labor required to acquire the knowledge sufficiently necessary to receive confessions. For it is answered that although the exercise of receiving confessions is a work of charity, it does not arise from the simple motive of charity, but from the priest's own office, to which this obligation is attached by Christ's institution, and which the priest must fulfill when the needs of the people demand it. These things seem to me to be worthy of consideration; but I leave the more diligent consideration of them to the judgment of the wiser.

DOUBT VI. What knowledge and prudence are required in a confessor?

628 Concerning the obligation of understanding the sins of the penitent.

627 Concerning the knowledge of the confessor in order to form a correct judgment about sins?

628 When may a confessor who is less suitable be excused?

Do Regular priests have an obligation to intervene in congregations for the care of consciences?

629 Concerning the prudence of the confessor regarding questions; and concerning the obligation of questioning regarding omitted sins?

630 What if it is clear to him that the penitent is denying a sin? And what if he knows it from the confession of a fellow penitent?

These matters are discussed more thoroughly.

632 Concerning questions in matters of chastity.

[*Latin ed. p. 474*]

626. — • *Responsio*. 4. Ut sacerdos valide absolvat, oportet, quantum fieri potest moraliter, omnia peccata pænitentis intellegere, quia alioquin is frustra teneretur recensere. Unde *respondeo*: 4. Peccat qui absolvit eum, cujus peccata per negligentiam non satis intellexit, quia fert sententiam, incognita causa. Validam tamen esse absolutionem, sive propter somnum, etc., ut dictum supra cap. 4, dub. 3, art. 4, sive propter cantum, vel linguam impeditam pænitentis (sine hujus tamen culpa) aliqua non intellexerit, docet Dionysius, *De Anima*, pars tertia, quaestio 109, et pars quarta, quaestio 198. Item, Layman, *Decretum*, pars prima, titulus 5, caput 9, ex Henrico Suario, *Sylva Mercatoria*, pars tertia, quia essentia et effectus sacramenti consistere possunt absque integra et specifica peccatorum explicatione, si sine culpa pænitentis omitantur. Vide Dionysium, *De Anima*, locum citatum. Si tamen pænitens post confessionem intelligat, unum, vel plura mortalia non fuisse intellecta, debet ea repetere in sequenti confessione, sive apud eumdem, sive apud alium confessarium. Layman, Dionysium, *De Anima*, locum citatum. Confessarius absolvens ex ignorantia, quem absolvere non poterat, dupliciter peccat; nimirum ignorantia eorum quæ ad officium suum spectant, et indebite absolvendo. Tann, *In Titulos*, pars secunda, distinctio 4, quaestio 9, distinctio 4, n. 12. Lugo, distinctio 16, sententia 4, n. 185.

627. — • *Responsio*. 2. Ut confessarius valide absolvat, requiritur et sufficit cognoscere peccata, saltem sub confusa ratione peccati. Ut vero licite, requiritur ea scientia, ut possit ferre prudens judicium in hoc foro; ideoque debet scire, 4. quæ sint mortalia, quæ venialia, saltem ex genere suo. • (Nota hic ex Lugo, distinctio 22, sententia 70. Sporus, sententia 783. Holzmüller, sententia 727. et Salmeron, *De Pænitentia*, caput 42, pars quarta, sententia 4, cum Grancius, non esse necessarium, ut confessarius in omnibus judicet, quæ sint peccata gravia, vel levia; sufficit, si sciat hoc judicare in iis quæ communiter occurrunt: reliqua autem audiat, et absolvat. Insuper docent Salmeron, *De Pænitentia*, locum citatum, in fine, cum Suario et Sanchez, *Dictionarium Conciliorum*, etc., quod licet in aliquo casu confessarius non discernat, quæ sint gravia, aut levia: si pænitens bona fide dicit peccatum suum, confessio valet: et quamvis postea advertatur fuisse mortale, non est cur repetatur in alia confessione.) • 2. Species, et circumstantias necessario explicandae. 3. Spectantia ad restitutionem bonorum, et famæ. 4. Casus reservatos, et excommunicationes saltem communiores. 5. Censuras, et irregularitates communiores, pro sacerdotibus. 6. Requisita in pænitentia ad bonam dispositionem. 7. Remedia peccatis opportuna. Circa quæ omnia notantur hæc tria.

[*Latin ed. p. 475*]

Firstly, it suffices if one possesses a moderate knowledge, so that at least one knows how to prudently doubt about everything, and to consult those more learned, or books. Better still, they say (Psalm, ibid., n. 7, with Suarez and others), that it is sufficient if the confessor understands what happens most frequently, and knows how to doubt about other matters. Secondly, a greater or lesser knowledge is required, and the extent of knowledge suffices, according to the diversity of places and penitents. (Bonifacius, Dist. 5, c. 7, p. 2, § 2). Thirdly, it is gravely sinful for both the one who, without sufficient knowledge, undertakes this office, and for the one who appoints such a person without necessity, or, when he can correct the situation, tolerates it. (Layamon, lib. 5, c. 13; Bonifacius, l.c.; Lugo, 628). However, the confessor who lacks sufficient knowledge is excused if there is necessity, namely, if otherwise the penitents would have to remain without confession for a long time, as happens with prisoners; thus Lugo, d. 22, n. 74, and Salm, de poen., c. 12, p. 1, n. 12, with Suarez, etc. And the same is said by Lugo, ibid., and Aversa, apud Salm., l.c., concerning small towns or ships, where, as they say, if learned priests cannot be found, less learned ones can be appointed, such as can be found. However, these must be reminded of the obligation to learn. Furthermore, those who undertake this office of hearing confessions should not easily persuade themselves that they are sufficiently qualified for such an important task without prolonged study of moral theology; for certainly, it is not sufficient to merely skim through a summary of such matters, nor is it sufficient to know the general principles

of this discipline, as some, who despise casuists, arrogantly claim to be. For moral theology is not only very necessary for the Christian commonwealth, since the good governance of souls depends on it, but it is also exceedingly difficult; both because it requires a general knowledge of all other sciences, offices, and arts; both because it encompasses so many diverse subjects that are disparate among themselves; both because it consists largely of so many positive laws, which are found only among casuists, and especially among the more recent ones, since such laws are constantly being introduced; and finally, it becomes difficult because of the countless circumstances of cases, from which the variation of resolutions depends: for the principles must be applied differently according to the diversity of circumstances: and here lies the difficulty, since it cannot be done without much discussion, or the careful reading of several books that examine and clarify the matter. Note here, by the way, that the Bishop cannot compel regular confessors to participate in Congregations of cases of conscience, according to a decree of the Holy See, as reported by P. Zaccharia apud Croiae, l. 6, p. 2, n. 4520. But on the contrary, there is a decree of the Holy See concerning the discipline regarding the superiors of the regular orders of Italiæ, dated November 8, 4752, and approved by Benedict XIV, in which it was provided that in all conventions of the Regulars, in which there are confessors approved by the Bishop, there should always be a reading and discussion of cases of conscience, according to the decrees of Clement VIII, and that Tom. IV.

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where a meeting does not take place, the aforementioned confessors are to assist in the meeting of cases established by the Bishop. 1. If the penitent observes that the priest does not perceive the gravity of the sin, he is obligated to warn him that he has committed a mortal sin. 2. He who, knowing this, confesses to one whom he knows cannot properly judge his conscience, is obligated to repeat the confession with a more experienced priest; for he would sin gravely by confessing in this manner. 629. — • Response. 3. Prudence is required both in the instruction, admonition, and care of the penitent, and in the interrogation. Indeed, if he prudently judges that the confession is complete, e.g., because he is well instructed and is accustomed to exercising due diligence (or because the confession is brief), he is not obligated to ask anything further; otherwise, he is obligated, as the common opinion holds (although, according to Navarrus and Valerius, in *Dian.* p. 2, tr. 45, r. 7, it is not mortal to fail to examine a certain circumstance due to forgetfulness. See also C. de Lugo, d. 22). For, as a judge, he must care for the integrity of the judgment, and as a physician, he must ensure that the illnesses and wounds are perfectly revealed; taking care, meanwhile, 4. That the examination is not curious about unnecessary things, from which the confessors estimation, the dignity of the sacrament, and the progress of the penitent may be diminished. 2. That it is not indiscreet, e.g., about

things of which it is morally certain that such a person does not usually commit them, or from which the penitent learns to sin, or about immodest things in an immodest manner, or about numbers with excessive anxiety, if it can be reasonably estimated from what is said. 3. That it is not untimely, and that the penitent is allowed to explain himself as much as possible, lest he be frightened by undue insistence. What some suggest, that the penitent should not be interrupted while confessing, is not universally approved by C. de Lugo, d. 22, n. 15: especially if the confession is not brief, because it is easy for things to slip from memory. (See the statements in n. 607 at the end.) Therefore, it is resolved: 4. If the priest observes that the penitent, even after sufficient diligence, omits some sin or a necessary circumstance, it is more probable and truer, in itself, that he is obligated to interrogate; although Sa, v. Confessor, and Medin, teach that if, after a diligent examination, he has forgotten something, the confessar is not obligated to bring it to his mind, unless it is to the detriment of another; which Vasquez, qu. 93, d. 7, n. 3, seems to say is probable; but others reject it. See de Lugo, d. 22. (And rightly, as it is to be held in accordance with the common opinion, as taught by Suar., d. 23, sect. 3, n. 7; Laym., c. 13, qu. 5; and Pal., p. 48, §. 2, n. 3, with Tol., Nav., Con., Graff., Henr., and others, from *cap. Omnis*, and from the Roman Ritual, n. 607.) 630. — • 2. Although the confessar, to whom it is clearly evident that a sin

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The confessor ought not to absolve a penitent who denies his sin, even though the confessor knows it; but if the confessor has knowledge of it through the account of others, or through suspicion, he must accept the penitent's confession, for in this forum, faith is given to the penitent both for and against himself. (Suarez, vol. 4, part 32, section 3; Fagius, vol. 2, page 6, chapter 4, number 38, cited by Diaz, vol. 4, page 3, number 105). In either case, it is prudent for the confessor: 1. To inquire cautiously, and at first from a distance, and then more closely. 2. If, nevertheless, he denies, to judge prudently whether he may have forgotten, or whether he may have confessed to another, or whether he may believe that it is not a sin, or whether he may have a similar excuse, so that he ought to be absolved. (Diaz, loc. cit., from Sylv. Nav. Tol. etc.). 3. If he knows the sin from the confession of an accomplice, he should not use that knowledge except in a general way, by asking whether it burdens his conscience, and by urging him to greater contrition, because of the danger of indirect revelation, or even if he has given absolution, because of the danger of scandal. (Layamon, chapter 2, number 631).

It must be carefully considered what the confessor ought to do with a penitent of whom he knows, or suspects, some sin which the penitent does not confess. It must be distinguished whether he knows it outside of confession, and knows it from his own knowledge, such as by seeing a thief,

or hearing someone blaspheming, without doubt he ought not to absolve him if he denies it; unless he prudently doubts whether he has confessed to another, or has a just reason for concealing it; this is the common opinion of all, with Bus, Layamon, chapter 14, number 35; Suarez, part 52, section 3, number 9; Lugo, part 22, number 21; Council of Trent, session 14, decree on the sacraments, chapter 7; Ponzerius, number 802; Mazzola, page 431; Viva, question 8, article 5, number 2; Elbel, number 54; Holzapfel, number 721, and others. But if the confessor knows it from observation, or from the account of others, it is also commonly said (Suarez, Layamon, Holzapfel, Sporer, and Mazzola, loc. cit.) that, after careful questioning, he ought regularly to absolve the one who denies it; for then he should believe that either he has forgotten the sin, or he has confessed to another, or that he has a just reason for concealing it, or that those who reported it have been deceived. For in this case (as all teach, following St. Thomas, Quodlibet, 1, question 12), the penitent must be believed both for and against himself.

However, it seems to me not irrelevant what Elbel says in the same place, namely, that if the confessor has knowledge of a sin from a certain report of others, he may not be able to absolve the penitent who denies it; for indeed, if grave witnesses testified against him, who would morally certainly accuse him, and on the other hand, I were certain that the penitent could not have forgotten, nor have any reason for concealing it, then I would not withhold the granting of absolution to him; for I say that the rule that the penitent must be believed applies in cases of doubt, but not in cases of moral certainty; for moral certainty is true certainty. But if the confessor knows of a sin from the confession of another, he certainly cannot specifically question the penitent about it, unless he has received permission from that other person, but he can only question him in a general way.

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It is necessary to question; and in this, I say that the confessor should not be excessive in repeating questions, because in this there is also the danger of revelation. Thus, generally, Layman, *Spor. Bus.*, etc., as above. However, it is not improbable that Nav. Man., c. 8, n. 17, v. 21, with Sylv., Laym. *Spor.*, and Holzm., *ll. cit.*, state that if some sin is common among such persons, it is permissible to question them specifically about it, as it is common for spouses to fall into dishonest touches, or at least into wicked thoughts. But can the confessor, in the case where someone who confesses complex matters denies a sin, absolve him? They affirm that he can, and should, Lug. *dict.*, n. 21, Anacl., p. 618, n. 42, with Gob. and Herincæ, and Dian., p. 5, tr. 11, r. 21. Elbel, however, p. 14, n. 44, believes that he should absolve under a condition. But, in my judgment, Croix, n. 1969, is better, citing Suar. *Dio.* and *Ills.*, that in that case, he should in no way absolve, but rather pray for something to conceal the denial of absolution. And to this, Viva, *l. c.*, adheres, saying that when the confessor prudently judges

that a penitent, through sacrilege, denies a sin, he should not absolve him.

632. — "3. Questions regarding the matter of chastity should be few, and cautious, lest they give an opportunity for investigation, or for divulging the confession, or lest they teach the ignorant, or offend, or expose themselves, or him, to danger. And if these things are feared, rather should something be omitted from the material integrity [of the confession]." Indeed, if thoughts are denied in this matter, it is not necessary to proceed to actions; however, the less experienced deny thoughts, but when questioned about words and actions, they confess them; which shows that they do not equally recognize or understand those thoughts. See Layman, here, cap. 13, Conin., dist. 7, dub. 7, Fagund., prec. 4, l. 4, c. 2, Dian., p. 3, l. 4, r. 99.

CHAPTER III. ON MATTERS RELATED TO PENITENCE.

DOUBT I. What is the seal of confession, and who is bound by it?

635. Is it permissible in this matter to use a seal when there is a probable opinion?

635. How should the seal be preserved?

635. What sins does one commit who violates the seal?

635. Is there an obligation of the seal from a feigned confession, or from a secret committed outside of confession?

637. I. What if the penitent departs feeling unwell?

II. What in the doubt, whether something should be disclosed within or in relation to the confession?

638. In which cases is the seal not broken?

638. Can, and are, the confessor permitted to give to the penitent, either a written record of the confession made, or of the absolution received?

640. What falls under the seal?

I. The sins of the penitent, even venial sins.

II. The sins of an accomplice.

Is it permissible to question about an accomplice? (Reference to n. 491.)

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661. Questions: 1. Is it permissible to warn someone about a fault with the penitent's permission? 2. How does an object of sin fall under the seal of confession? 3. Does the penance imposed fall under the seal? 4. Do the circumstances of sins fall under the seal? Do acts of violence and revelations fall under the seal? 665. Do natural defects of the penitent fall under the seal? 646. What if these defects are inherent, such as if the penitent is deaf, mute, etc.? 644. What if the penitent is scrupulous? And what if the confessor notices that the penitent is deaf during the confession? 645. Who is bound by the seal of confession? The following are bound: 1. The

confessor. 646. How should the confessor respond if asked whether he has heard a particular sin or whether he has absolved someone? 647. 2. A superior who has been granted permission to hear confessions. 3. An interpreter. 4. Someone who hears a confession secretly or by chance, or out of necessity, such as in a shipwreck. 5. Someone to whom a sin has been revealed sacrilegiously. 6. A false confessor. 7. A doctor consulted. 8. The author of a confession. 9. Someone reading a written confession. 10. According to some, even the penitent, but this is unlikely. 648. After these, the question is discussed: 1. Is a doctor consulted by the confessor about the penitent's permission bound by the seal? 649. Question 2. Is the person consulted by the penitent for the purpose of making a confession bound by the seal? 650. Question 3. Is the person who reads another person's written confession bound by the seal? 651. How should the permission given by the penitent to speak be? It must be: 1. Expressed. 2. Free. 3. Not revoked. 4. It is sufficient if given verbally. 5. Or if given by action, that is, if the penitent begins to speak. 652. Can the confessor speak about sins with the penitent immediately after absolution? Can the confessor warn the penitent about an error committed during the confession? (Reference to number 622.) 653. Can the confessor speak within the confession about things heard in another confession? 654. Does the confessor break the seal by saying that he has heard of such a sin in a certain place? Questions: 1. Does the confessor violate the seal by revealing the sins of another person? 2. What if he says that a religious of a certain community or order committed such a sin? 655. Is it permissible to use knowledge of the confession for external governance? 656. Question 1. Can the confessor, because of a fault heard from a subordinate, remove him from office? 657. Question 2. Can he deny support to someone he knows is unworthy based on the confession? And can he use some pretext for this? Can the confessor use knowledge of the confession to protect his own possessions, or to be more vigilant, or for other purposes? 658. Question 3. Can he deny communion, or ordination, or assistance in marriage to a penitent who has been dismissed without absolution? 659. Question 4. Can he use knowledge of the confession to protect himself from traps laid for him? Can he conceal himself from a penitent whom he knows, through the confession, is accustomed to commit many crimes, even if others do not notice the concealment? And can he flee from a penitent who frightens him with threats if he does not absolve him? 660. Question 5. Can he celebrate Mass in a church that he knows, through the confession, is polluted? Question 6. Is he obligated to continue confessing to someone he knows, through the confession, is not a confessor? 661. The confessor is not obligated to avoid all light suspicions of others. 633. - ABOVE ALL, for the clarification of the questions that will be presented, it must be determined whether, in this matter, the use of probable opinions is permitted regarding the sacramental seal? La Croica, book 6, page 2, number 1946, from Diana, Jobat, and Stox, as cited there, number 1945, only

states that it is expedient.

[*Latin ed. p. 480*]

We should follow the opinions that are marked with a seal: But it is better to see in Appendix to proposition 9, concerning this matter, that it says one can remember things learned from confession, unless it is morally certain (or at least very probably certain) that from such use, no revelation of the confession will occur, and no burden will be placed upon the penitent. The reason is, first, because this is demanded by the due reverence owed to the sacrament (but this first reason is not entirely convincing, since many and grave Doctors, such as Sanch., Pontius, Vasquez, Salon, and others, in *civitas*, book 4, number 51, teach that there is no obligation to render to the sacraments, as to other divine precepts, a reverence more than probable); and second, because otherwise, a probable burden would be imposed upon the penitent, for which reason confession would become odious to him. And this reason is indeed very compelling; for as has been said, it is not lawful to use a probable opinion to the prejudice of a certain right that another possesses; but the penitent possesses the right that he should not suffer any burden through his confession. Therefore, whatever else I may have said elsewhere, after more careful consideration, I believe it must be said here that it is not lawful to use opinions, from the use of which it is not morally certain that no burden will be imposed upon the penitent.

634. — « Resp. 4. This seal is the strictest obligation of divine law » in every case, even when the safety of the integrity of the kingdom were to be imperiled, to remain silent, even after the death of the penitent, concerning all things said in confession (that is, in order to obtain sacramental absolution), the revelation of which » would make the sacrament burdensome, or odious.

Undo resolves: 635. — « 4. The violation of this seal has a double malice, sacrilege, against the reverence due to the sacrament, and injustice, because of the virtual pact between the penitent and the confessor to keep this secret in every case. *Dian.*, page 5, volume 41, section 2, etc. Fagund, Kellison, etc. » And here, there is no small matter. *Dian.*, page 5, volume 5, section 8, etc. Malder, Baldell, etc. » (It is better to say that it has a threefold malice, namely, sacrilege against the sacrament; a grave offense, because on the part of the confessor there is a burdensome, albeit tacit, promise to keep the secret; also, detraction, if the sin is not public. Thus, Sporer, Ronc., Croia, and others commonly say.)

636. — « 2. This obligation is not incurred 4. By a confession made falsely, v.g., to steal, to rob, or to pervert a priest » (or to harm oneself), « even in this case, prudence dictates that one should remain silent. See *Dian.*, page 5, volume 41, section 26. » (This is common with Holzm., number 703. *Conc.*, page 737, and others extensively.) « 2. If someone receives something outside of confession under the seal of confession; because there

is only a natural obligation of secrecy, which is heavier or lighter, according to the exigency of the matter. » (Thus also *Conc.* and Holzm., *loc. cit.*, and Nav. Man., chapter 8, number 48, with Innocent, Panorm., Cajetan, Soto, and others.)

[*Latin ed. p. 481*]

638.—Note here, first, that the confessor is bound by the seal, even if the penitent is indisposed and unable to continue, provided that the penitent has confessed his sins in order to obtain absolution; thus, St. Thomas [of Aquinas] in 4th part, 21st question, 3rd article, 4th head, Lugo, 23rd book, 45th number; Council of Trent, session 13, chapter 5, paragraph 737, number 5; Roncaglia, 2nd question, Holzmüller, number 703; Spörner, number 809; and Salm, on penance, chapter 14, page 2, number 15, according to common opinion. Secondly, it is to be noted that even if it is doubtful whether anything was said by the penitent in the context of confession, the confessor is still bound by the seal, as Suarez and others state in Salm, ibid., number 18, according to common opinion; also, Bonaventure, 6th question, page 2, number 4, with Regius, Graffius, Suarez, and others; also, Renzi, page 320, 6th question; Tamborini, chapter 3, number 20; Mazzola, page 582; Croia, number 1946, with Regius and Schilder, against Balsamo. The reason is that otherwise, a shameful confession would be rendered, since otherwise, more sins could be revealed without punishment, due to a lack of memory or the confessor's misinterpretation.

638.—Thirdly, the seal is not broken: I. If you say, "Titius confessed to me that he committed venial sins, or that he is a good, innocent man," provided that you do not mention the circumstances from which it could be inferred that he committed other sins, or mortal sins. II. If you say, "N. confessed to me that he is a [certain person]," even if this, in certain circumstances, is also dangerous, as Layman states, chapter 14, number 24. Indeed, if the penitent, by word or deed (e.g., by secretly approaching), signifies that he does not want to be known to have confessed, the confessor should not reveal the seal, as Regius, Navar, and Mercer state in Dian, volume 5, treatise 11, resolution 47. (And rightly, Spörner, number 825, and Holzmüller, number 708, and others agree.) "Because if the penitent, by confessing to a confessor, were to come under suspicion of a more serious crime, which Tamborini, in the appendix, chapter 3, doubts, asserting that he fears that such a thing might lead to a violation of the seal. III. If you recount the sins in such a way that, morally speaking, the person cannot be identified; nor is any community, even a small one, defamed, such as that vices of that nature are prevalent there. See Dian, book 2, treatise 15, resolution 43, because this would be contrary to the seal. (See below, number 654.) "Therefore, Turrian, in Dian, part 5, treatise 44, resolution 45, and Tamborini, in the appendix, chapter 3, criticize a superior local who might say to a provincial that permission to absolve from reserved matters is often requested in his

house; because this can lead to shame and harm to the houses; although Tamborini, chapter 4, number 2, states that it is likely that this is not contrary to the seal, if such requests are made outside of confession. IV. If you use knowledge acquired outside of confession, even revealing the very sin that you learned about elsewhere, provided that you do not mention any circumstances that are known only from the confession, nor do you state anything more certainly than you knew outside of confession, in which case great caution is needed, and it is safest to remain silent, as Layman states, chapter 14, number 16.

639.—Fourthly, when several people, e.g., students or courtiers, etc., are required to testify to a confession, the confessor is held to be bound to give this information even to those whom he has not absolved, as the Council of Trent, session 6, decree 4, and Dian state.

[*Latin ed. p. 482*]

p. 5, line 45, paragraph 42: "Firstly, to deny it is to reveal in some way the seal and the penitent's state; secondly, because by giving [the absolution slip], he does not lie, but merely testifies that absolution has been granted. Verum Bonum, book 5, question 6, paragraph 4, and Cardinal de Lugo, book 21, section 3, teach that denying such a slip is not against the seal; and Avers, page 48, section 2, concedes this, provided it is not established that the penitent approached this confessor; thirdly, because he says nothing, but merely does not approve, by positive testimony, the confession, to which he is not obligated, nor does he do anything from which one could discern the penitent's sins; fourthly, because otherwise a way would be opened for frauds, and many dishonest individuals would deceive the parish priests during Easter; fifthly, because it could become a custom to write that absolution has been granted, which would be false, if he wrote it, and would break the seal if he omitted it; sixthly, because it would be scandalous and unjust to give testimony of the confession of a persevering public harlot (as also of a secret sinner, thus excusing his wickedness); and it should not be imputed to the confessor that he does not positively defend her. It is more probable and common that, if it is written on the slip that the penitent has only been confessed, the slip should be given; as held by Laym. de pœnit., chapter 14, number 8; the Author de Offic. Conf., in Croia, question 3; Sporer de pœn., chapter 7, number 839; Ronc., chapter 7, question 4; Elbel, number 492; Croia, number 1494; and Holzm., number 708, with Stoz and Diana, because to deny the slip would be the same as indirectly revealing that he has not been properly confessed. And this is contrary to Bonac., question 6, section 5, paragraph 4, number 7, who says that it should be denied, and contrary to Lugo, book 23, number 87, who, with Henriq., says that it can be denied, because, although the confessor cannot reveal the sin, he is not nevertheless obligated by positive testimony to approve of that confession. But I do not agree with this reasoning, be-

cause, although he may not be obligated to cooperate in the approval of that confession, he is nevertheless obligated to avoid indirect revelation, which cannot be avoided by denying the slip. Secondly, if the confessor were to write on the slip that the penitent has not only been confessed, but also absolved; because, since lying is intrinsically evil, it can never be uttered, as commonly taught by DD. Lugo, book 23, number 87; Pal. de pœn., page 5, number 43, with Croia, Sporer, Ronc., Laym., etc. If, however, the slips were already printed, where absolution is asserted to have been granted, it seems probable (as some more recent authors say) that they can be given to those who have not been absolved, at least if they publicly request it, because in this case the confessor does not utter or write a lie, but merely performs a material act by handing over such a slip. 640. - • 5. Under the seal fall I. all the sins of the penitent, both future and past (provided that these have been manifested with the intention of accusing himself; otherwise, if they are simply narrated, or as if to induce the confessor to hear a similar sin). Diana, page 5, line 41, paragraph 25, from Suar. and others (8). Therefore, he sins mortally who, either directly or indirectly, reveals any venial sin in particular, even a small one."

[*Latin ed. p. 483*]

"Because the matter of the seal has no small importance; as is the opinion of almost all at Diana, page 5, volume 5, chapter 8, and Tamborini in the appendix, chapter 8. (Indeed, if the confessor says that the penitent has confessed a venial sin, but not several venial sins; Sporer, number 830; Layman, chapter 14, number 6; Holzem, number 706; and Salm, on penance, chapter 14, page 2, number 22, with Suarez, Lugo, Navar, etc.). Or if he says in general that he has confessed to him some mortal sin, or a reserved case, or excommunication, or that he is not absolved due to indisposition. Indeed, the confessor who says absolutely, 'I do not absolve Peter,' is said by Diana, page 5, volume 14, chapter 42, and Suarez, and others, to break the seal.

II. Also, the sins of a third party, whether spoken knowingly or unknowingly, are covered by the seal, according to Suarez, Vasquez, and generally according to Diana, page 3, volume 4, chapter 114. Whether it is permissible to question the third party for the purpose of correcting him, and to do so with the permission of the penitent, is affirmed by Suarez and Fagius against Bonaventure, Lorca, Nugen, and other Thomists. See Diana, page 3, volume 4, chapter 113. Cardinal Lugo, in book 16, number 426, teaches that the penitent can sometimes be obligated and compelled by the confessor to reveal the third party outside of confession." (Regarding this, see the statements in number 494.)

641. — Doubt 4. Can the confessor warn the third party with the permission of the penitent? The first opinion (but not sufficiently probable) denies this; and this is held by Tamborini, Method of Confession, appendix on the

seal, chapter 3, number 7, with Vasquez; also Soto, Paludanus, Anglerius, Tannius, etc., according to Croxat, number 1959, and Diana considers it probable, page 5, volume 14, chapter 24. The first reason is that this would also be against the seal, since the sins of the third party also fall under the seal. The second reason is that otherwise, confession would be made odious to others, even if not to the penitents. The second opinion, however, which is the most common and true, affirms this, and is held by St. Thomas, in Opus 12, question 6, where he teaches that it is not permissible to reveal the identity of the third party in confession unless the order of fraternal correction is preserved. Therefore, with the permission of the penitent, the confessor can correct the third party. Also, St. Antoninus, book 3, title 14, chapter 29, section 14; Suarez, book 34, section 4, number 4; Lugo, book 23, number 138; Paludanus, page 19, section 3, number 16; Roncaglia, page 100, question 4, response 2; Diana, in the same place; and Croxat, in the same place, with Adrian, Gers, Navar, Henry, Dicena, Aversa, and Ilsung. The reason is that the third party, from the confession of another, acquires no right to the sacramental seal; for this seal is established only for the benefit of the penitents, and therefore it follows the nature of other sacraments, in which the right to secrecy is acquired by him who commits the act. And therefore, just as only the penitent can impose the seal, so too only he can remove it, and thus the fourth reason is answered. It does not object to say that confession would thus be made odious to others; for truly, it only makes confession odious if it deters the penitent from confession.

[*Latin ed. p. 484*]

This hatred, indeed, must be entirely avoided because of the institution of this sacrament, and not any hatred that others might irrationally harbor towards those confessing their sins. *Dubit. hlc 2.* How does an object of sin fall under the seal? I answer that it does, indeed, if, for example, a son confesses that he hated his mother because of her adultery, or that he did not correct his brother for theft; for that adultery and that theft fall under the seal as objects of sin, as *Viva* q. 40, art. 2, n. 3 states. See also *Renzi* p. 318, q. 2, Fill. c. 11, n. 321; *Sporer* n. 835; *Tamb.* de Sigill. c. 3, n. 6. However, *Tamb.*, in n. 14, and *Sporer*, in the aforementioned place, state that it is probable that if a penitent confesses that he rejoiced at a homicide committed in public, the confessor would not be bound by the seal, because, since the homicide is publicly known, and the confessor is merely incidentally present, it is not considered to be intended to be subject to the seal. Furthermore, where there is no danger of revelation, or of causing distress to the penitent, as stated in (n. 656, at the end), the object of sin is not, in the least, subject to the seal. III. A penance imposed, if it is grave, that is, one that is usually joined with the imposition for mortal sins (as, for example, the recitation of the Rosary of the Blessed Virgin, but not the *Miserere*), as *Dian.* p. 5, t. 11, r. 31, co. states. See also *Avers.* qu. 18,

sess. 6, (1). IV. The circumstances of the sinner, which it is in the penitent's interest to conceal, even if they are stated after absolution, for example, if he has illicitly received the sacred Orders, or if he boasts of his nobility, etc. However, the good qualities of the penitent, and other similar matters that are incidentally mentioned, do not give rise to a sacramental seal, for example, the intention of entering religion, or of marriage; these are often (if the penitent wishes to conceal them) subject to a natural obligation of secrecy, but not a sacramental one. *Tan.* and *Con.*, except if the penitent says such things in order to explain his sins; in that case, they are held to be subject to the sacramental seal, as *Diana* part. 5, t. 11, r. 5 states. Likewise, they state concerning virtues and vices, *Gran.* contra *Regin.* and *Mald.* apud *Dian.*, l. c., r. 30. (Speaking of virtues and revelations, see *Confessio* n. 32, *Bonac.* p. 2, n. 11, and *Nav. Henr.* apud *Lugo* d. 23, n. 58, which deny that they are entirely subject to the seal, since they are not the matter of confession. However, it is better, as *Lugo* l. c., *Ronc.* p. 104, q. 5, *Mazzotta* p. 581, *Croix* n. 1947, and *Stoz* and *Viva*, q. 10, art. 2, n. 2, state, along with *Diana*, that a distinction must be made, and that it is rightly denied if virtues or revelations are manifested in confession, so that the state of the penitent's soul may be known to the confessor; otherwise, if they are said in order to explain some defect, or one's own ingratitude towards God.) Likewise, they state concerning natural defects (for example, being born illegitimately), and concerning hidden vices of the body. *Con.* *Hurt.* and *Kellison* contra *Gran.*, *Mald.*, etc., because they absolutely state that these fall under the seal, as *Diana* l. c., r. 29, (1) states: "The penance imposed falls under the seal, if it is grave; indeed, it is better to say, if it is not of minor importance, which is usually imposed for very slight venial sins." *Hom. Ap.* tr. 16, n. 153, Edis.

[*Latin ed. p. 485*]

Item concerning those things which pertain to others, yet are not sins. Malachi and Daniel, chapter and verse 38. Finally, concerning scruples (contrary to Conc. and Gran.), which some absolutely affirm are to be sealed, and contrary to March., who absolutely denies it), C. de Lugo holds the same view, namely, that if a penitent confesses to scruples, or if he brings up matters or concerns related to his conscience, then it falls under the seal, because it is at least in an oblique way a matter of confession. Otherwise, if it is not known from the penitent's account, but rather it appears and is perceived, for example, from the manner of confessing, the same is said of other natural defects, for example, that he is lame, uneducated, of dull wit, etc. And thus, the confessor is excused who said of the penitent that he allowed his head to be filled with trifles and nonsense. See d. 23, section 3, no. 60. However, Gran. disapproves of this, and Conc. apud Diana, page 5, volume 11, chapter 50, says that it is dangerous, and that the seal can easily be broken indirectly. Finally, Tamb.

in app. chapter 3, does not even agree with this doctrine as probable, and wrongly calls it common, when Gran., Hurt., Palaus, Bauny, etc., object; and furthermore, he himself limits it, saying: If these defects, for example, being lame, uneducated, scrupulous, etc., are widely known, they do not fall under the seal, otherwise if they are unknown, because confession should be free from all hatred. 642. — It is better to discuss the aforementioned. It is asked whether the confessor can break the seal who proclaims the natural defects of his penitent, namely, that he is unknown, poor, or ignorant, deaf, and the like? It is answered: if the confessor knows such defects, to the extent that they have been manifested by the penitent in order to explain sins, then certainly they fall under the seal, as commonly taught by Busemb., Suar., d. 33, section 2, no. 5, Pal., p. 5, §. 2, no. 6, Lugo, d. 23, no. 59, Bon., q. 6, p. 2, no. 10, Conc., p. 379, no. 10, Anacl., p. 627, no. 25, Sporer, no. 844, Croiæn., 1947, Mazzott., p. 580, Ronc., p. 103, qu. 4, Salm., de pæn., c. 14, p. 2, no. 23, with Dicast. Conc. and others, contrary to Vasq. And this, even if the manifestation of these defects has nothing to do with the explanation of sin, but the penitent has already exposed them in order to more fully manifest his conscience, as well noted by Croiæn., l. c., with Lugo, and Stoz. Otherwise, if the confessor knows these defects, to the extent that the penitent mentions them incidentally or irrelevantly to the confession, as also commonly said by Fill., tr. 7, c. 11, no. 321, and Suar., Pal., Ronc., ll. cc., Salm., d. n. 23, in fin., with Dic. and Gabr., and Bon., l. c., with Conc., Reg., Zerola, and others. And this is very probable (whatever Renzi, p. 318, question 3, with Soto, Val., and Diana, quotes). The reason is, that when the penitent deliberately reveals such defects, without any order to explain sins, they are by no means considered to be subject (nor could they be subject) to the keys of the seal, since they have nothing to do with the confession. 643. — Lugo, d. 23, no. 60, Navar., c. 8, no. 12, and Mazz., ll. cc., Diana, p. 5, tr. 11, r. 50 (who calls it common), and Ronc., l. c., say the same.

[*Latin ed. p. 486*]

When Aversa and Fagius state that if certain defects are made known to the confessor through the actions of the penitent, or through the manner of confession itself, such as if the penitent is slow, deaf, uneducated, of dull wit, etc., the reason, they say, is because such defects are not then the matter of confession, nor do they pertain to the matter of confession, since the priest does not perceive them from the account of the penitent, but sees and understands them himself; therefore, these things, just as they are not said secretly, so also they do not fall under the seal. And so, Lugo also says in the same place that if the penitent reveals that he is of a troublesome, irresolute, or more difficult nature to believe, all these defects, because they are not the matter of confession, since they are not heard but occur in confession, do not fall under the seal. But this opinion is rightly contradicted by Pal. p. 49,

§ 3, n. 9; Antoine p. 516; Conc. p. 739, n. 10; Sporer n. 844; Renzi p. 318, g. 3; and Tamb. Meth. Conf. c. 3, n. 48, along with Conc. Gran. Hurt. etc. The reason is that if these defects are odious, and the confessor knows them by reason of the confession, while the penitent is explaining his sins, their manifestation would always in some way make the confession unpleasant, and delay it. The first opinion can only hold if it is absolutely certain to the confessor that the penitent is not at all troubled by the manifestation of these defects. I do not agree with the opinion of Lugo, who adds in the same place that sins committed by the penitent during the confession itself do not fall under the seal, such as impatience, insults to the confessor, or to others, because the penitent does not confess these faults, but commits them in the presence of the confessor. And I do not agree with this, because such sins, although they are not the matter of the seal, nevertheless involve the danger of revelation; for they provide a probable indication that the confessor either did not want to absolve, or severely rebuked him for some more serious fault. Furthermore, Tamb. d. c. 3, n. 43; Viva qu. 10, ar. 2, num. 5; Spor. n. 842; and Wig. tr. 13, n. 128; and Conc. p. 739, n. 10, state that if natural defects such as poverty, low birth, and the like, are mentioned by the penitent in such a way that it can be gathered that they are commonly known, then they do not fall under the seal, because it is then presumed that the penitent is not mentioning them except as known, nor does he wish to subject them to the keys, unless he expressly declares otherwise. But even this opinion is rightly not agreed with by Holzm. p. 187, n. 706, v. 4, for the same reason as above, because, when these defects are known to the confessor from the confession of sins, their manifestation would delay the penitent from confession.

(1) "Nevertheless, this is understood only for those defects which the penitent can secretly reveal, such as saying that he is of dull mind, of an irascible nature, uneducated, incapable, poor, if he is of low social standing; but not when they are defects that are not objectionable to the person, such as being blind, deaf, lame, and sickly, and which are already commonly known." Hom. Ap. tr. 56, n. 154. Edit.

[*Latin ed. p. 487*]

Regarding matters concerning the laity, they also speak of the defect of excessive scrupulositas (over-scrupulousness), namely, that a confessor can tell the penitent that he is overly scrupulous, if he knows this, either from the manner of confessing, or if the penitent's scrupulositas is publicly known. But we do not agree with this, as stated in *Spiritual Exercises* n. 844 and *Tamquam Ad Pastoralem* n. 18, which cites the Council of Trent, *Hurtado*, *Palafox*, etc., because the same reasoning applies, since many are distressed to be called scrupulous. This could only be admitted if it minimally caused distress to the penitent, which can easily happen when speaking of secular matters, which are rather praised when it is said

of them that they are scrupulous; for those who live in the world, this is a sign of a good and conscientious mind. Conversely, if it is said of a prelate, a confessor, and the like, for whom scrupulositas is a sign of a confused and irresolute mind. Roncaglia, p. 202, chapter 2, rule 4, states in practice that if a penitent is commonly recognized as being very verbose, restless, etc., when explaining something, then, because it would clearly appear that the confessor is avoiding being bored by the penitent's natural verbosity, restlessness, etc., it would not be a breach of the seal to avoid such circumstances. This can probably be admitted if it is commonly known to others that the penitent is of a timorous conscience, so that they morally certainly consider him to be free from serious sins.

Furthermore, what should a confessor do if, while the penitent is confessing about a serious matter, the confessor, because he knows the penitent to be deaf, asks him about the circumstances, about his habits, or something similar, and the penitent responds inadequately to the questions, and the confessor cannot raise his voice so that others nearby will not hear?

I answer: If the confessor notices the penitent's deafness at the beginning of the confession, he should tell him to return at another time and place where the confessor can speak freely without others hearing. In the meantime, he may reveal the penitent's deafness to others, when such a defect is commonly apparent. However, if this is noticed during the progress of the confession, and the penitent does not answer correctly after several appropriate questions, then it is not permissible for the confessor to loudly tell the penitent to return, so that those nearby can hear, because they would have a great suspicion that he had confessed a serious matter. Therefore, in such a case, I believe it is advisable for the confessor to understand the sins better and, if possible, to absolve him; he should absolutely absolve him if the penitent is probably considered to be properly disposed, but conditionally if there is doubt about his disposition (1).

I do not find this case among the Doctors, but it is obvious. 645. — « Resp. 2. All are bound by the seal to whom, in any way, knowledge of the sacramental confession reaches: such as I, the confessor, who, if asked about what was heard in confession, can deny, even, if necessary, under oath, understanding that he may (1) « In this case, he should add a light penance, since others are hearing it. » *Roman Apostolic Tradition*, 16, n. 155, Edit.

[*Latin ed. p. 488*]

It is said, or rather, as Cardinal de Lugo states (d. 23), that knowledge is useful in answering a question outside of confession. However, Henriques and Granada, in *Directorium*, p. 5, t. 14, r. 33, except this, unless it follows from that denial that the confession was not complete; for example, if one were asked of a public prostitute, whether she had confessed fornication; (in which case, avoiding a direct answer, one should say that she had con-

fessed her sins, and that she had failed in her duty). Indeed, if one cannot confess one's sin under pain of excommunication, one must omit it; for the excommunication binds more strictly than the integrity of the confession.

It is questioned whether a confessor, when asked about a penitent's sin, can say that he does not know, even under oath? The answer is affirmative, according to the common opinion held by St. Thomas in 4. d. 24. qu. 3. ar. 4. ad 3, St. Antoninus, 3. p. tit. 47, cap. 22, Suarez, d. 33, sect. 6, n. 7, Lamy, c. 44, n. 12, Antoine, p. 449, qu. 6, Wigand, tr. 13, n. 144, Holzmüller, n. 722, Papebrock, p. 5, §. 3, n. 13, with Navarret, Bona, Valois, and Herrera, and Lugo, d. 23, n. 73, with Vasquez (who calls the opposite opinion erroneous), and others in common. The reason is given by St. Thomas in the aforementioned passage, who says: "A man is not brought forward as a witness except as a man; therefore... he can swear that he does not know what he knows only as God." And this, even if the confessor is asked to answer not as a man, but especially as a minister of God, as Suarez rightly states in the aforementioned passage, as do Sporer, n. 847, Lugo, n. 74, with Vasquez, and others in common, as well as Croico, n. 4985, with Lamy, Tunner, and Storz, against Paludanus, Soto, and the Council, p. 745, n. 25. For the confessor does not know the sin with a knowledge that would allow him to answer; therefore, he justly asserts that he does not know what he cannot manifest without injustice. See the statements in book 4, n. 453, and *Hinc*.

What if he is further asked to answer without equivocation? He can still answer under oath that he does not know, as Lugo, n. 79, Croico in the aforementioned passage, with Storz, and Holzmüller, n. 722, with Michael, state, contrary to others. The reason is that the confessor truly answers according to the oath made, which is always understood to mean in the way in which it could be fulfilled, namely, by manifesting the truth without equivocation, but without that equivocation which could have been avoided; but with regard to that necessary equivocation which could not be avoided without sin, neither does another have the right to demand that he answer without equivocation, nor is the confessor obligated to answer without equivocation.

Furthermore, in such cases, the confessor should initially answer: "These questions should not be asked." Also, if he is asked whether he absolved someone, he should answer: "I am bound by my office," as the Council states, p. 739, n. 44, Antoine, p. 549, Lugo, n. 85, and Salmeron, *De Paenitentia*, c. 14, p. 3, n. 28, with Rega and Granada. But sometimes such an answer may still not be sufficient, hence it is always better to answer by rebuking the question: "What is this question that you are asking?" If, however, the confessor has not absolved someone, and...

[*Latin ed. p. 489*]

While celebrating Mass, the minister should ask whether the confessor

intends to administer Holy Communion to the penitent. The confessor should respond: "Ask the penitent whether he wishes to receive Communion; thus, Salm. de pæn. c. 44, p. 3, n. 29, with Henr. and Gran. 647. — II. A person who, having been absolved from a reserved sin, or for whom absolution from a reserved sin is requested, is present. Suar. Card. de Lugo n. 34, etc." (Also, Concina p. 747, n. 30; Antoine p. 550; Holzm. n. 743; Elbel n. 542; Spor. num. 853; Suar. d. 33, sect. 4, n. 3; and Salm. de pæn. c. 44, p. 4, n. 66, with Gran. and others. "This is more true, because that petition is a certain beginning of confession, insofar as it is ordered towards obtaining absolution; and also, because otherwise, confession would be rendered odious." Thus, the authors cited.) "Against Palaum p. 49, §. 4, num. 40, with Vasq. and Henr.," who wish to hold it only by natural law. III. Interpretation: "This is more probable" (Pal. 49, §. 4, n. 3; Lugo d. 23, n. 24; and Salm. ibid. n. 59, with Suar., Canc., Laym., Bonac., Dic., etc.; against Sotum and Cajet. [ap. Lugo n. 20], who say that interpretation is to be held, indeed, to preserve the most sacred secret, but not sacramentally.) IV. He who furtively, or by chance, hears something is blamelessly excused. "Thus, also, comm. Pal. loc. cit. n. 5, with Adriano, Laym., Bonac., Con., Salm. ibid. n. 64, with Dic., Diana, etc. d. 24, n. 39, with Suar. and Vasq., against Sotum. And likewise, those present are also bound by the seal, in whose presence confession is made by necessity, for example, in a shipwreck, a battle, etc. Salm. ibid. n. 60, with Suar. and Bon., and Pal. n. 4, with Adr., Vasquez, Con., and Laym. Otherwise, if the penitent only wishes to publicly confess out of shame. Pal. loc. cit. and Salm. ibid. n. 62, with Con., Dic., etc.) V. All those to whom something has been sacrilegiously revealed cannot converse with one another about it. "Thus, commonly, Holzm. n. 743; Spor. n. 854; Conc. n. 30; Salm. ibid. n. 64; Laym. n. 48, with Gabr. and others, against Med." VI. A layman who has the appearance of a priest. "Thus, also, Suar. d. 33, s. 3, n. 3; Ronc. p. 99, q. 2; Conc. p. 737, n. 4; and Lug. d. 23, n. 4, with others commonly, against Sotum and Vasq., who improbably deny this." VII. A doctor or another person who is consulted by the penitent, with the penitent's permission, in order to obtain a common opinion. (And probability, as we shall say n. seq. 648.) "Against Vasq. See Diana p. 2, tract. 45, r. 45. VIII. He who has written down a confession of another. IX. He who finds a written confession and reads it, as taught by Rodr., Fay, Maid., etc., apud Diana part. 3, t. 4, r. 442, and p. 5, t. 44, r. 27, against Suar., Bonac., and Laym., whose opinion is probable. According to which, even if such a person is bound by natural law to keep the secret, and would commit a mortal sin if he divulged grave and defamatory things, nevertheless, he is not guilty if he reads it out of curiosity, knowing that it contains only trivial matters. Consequently, in the case of something very grave, of necessity, such a written confession should be revealed." (Lugo excepts, unless it was intended to be confessed

in writing, as we shall see.)

[*Latin ed. p. 490*]

"Therefore, or to request the faculty of absolution from a reserved sin. See d. 23, n. 48.) X. Moreover, according to some, the penitent himself; but it is probable that he is only bound by a natural secret, by reason of the matter, if it requires it, to keep silent about what he has heard from the confessor. See Laym. Dian. p. 5, t. 11, r. 8. (Thus, commonly and more truly, Layman, c. 14, n. 20; Pal. §. 4, n. 13; Suarez, d. 33, sect. 4, n. 2, who asserts this as certain; Bonac. par. 3, in princ. Salmant. de pæn. p. 4, n. 67; Wigandt, n. 419; Holzm., n. 715, and others, passim; because the seal is instituted only for the benefit of the penitents, not of confessors; therefore, the right to the seal is conferred not on confessors, but only on penitents. However, all hold that the penitent is bound by a natural bond of secrecy regarding things said by the confessor, of which the revelation would cause him harm. Mihique seems to hold the penitents to this secret (although natural) more strictly than others; for others are willing to offer advice voluntarily, but the confessor is bound to offer it by duty. Therefore, the confessor is necessarily obligated to give advice to the penitent, so that he may protect himself from spiritual harm; therefore, the penitent is more strictly bound to take care that no harm comes to the confessor because of the advice given to him.) 648. — But the question arises here: I. Is a doctor consulted by the confessor, with the permission of the penitent, bound by the sacramental seal? There is a threefold opinion. The first opinion, held by Joan. Medina, Cod. de his qui Conf. cel. Palaus, de pæn. par. 19, §. 4, n. 8; Covarr., Pesant., Onuphr., and others; Vasq., q. 93, art. 4, d. 2, n. 10; Tamb., Meth. exoc. conf. c. 4, §. 3, n. 4; Diana, t. 1, tract. 1, Misc. r. 14; and Megala, and Nugno, holds that he is not bound by the sacramental seal, but only by the natural one. The reason is, first, that (as Palaus says) the advisor does not have the knowledge from the confession, but from the permission given, or from the manifestation of the confessor in the name of the penitent. Just as (he says) a doctor consulted by the penitent is not bound by the seal, because such a manifestation is not directed to requesting absolution from the consultant; so also a consultant from the confessor, through whose means the penitent manifests himself, is not bound. Secondly, (as Tamb. says), when the penitent, by granting permission to the confessor to speak about him to another about his sin, is considered to be drawing it outside the bounds of the seal. The second opinion, held by Coninck, disp. 9, n. 40; Henr., c. 6, n. 20; and followed by Sotus and Caj. ap. Lugo, de pæn. d. 23, n. 20, holds that the advisor is not bound by the seal, because the knowledge of the sin is not manifested to him in order to obtain absolution, but for the instruction of the confessor (and it should be noted that Lugo, n. 26, although he is for the opposite opinion, nevertheless agrees with this reason); but he is certainly bound to keep the strictest secret, so that in no case can he reveal it. The

reason for this is very strong, because it often happens that confessors..."

[*Latin ed. p. 491*]

Others are consulted with the permission of the penitent; in such a case, a truly odious confession would be rendered, if, by chance, knowledge of the confession could be made manifest. A third opinion, which the same Coninck admits is held by almost all, teaches that the counselor, as well as the confessor, is bound by the seal; always, and whenever knowledge of the sin is made manifest to him, so that the confessor may properly perform his office. Thus Laym. de pæn. c. 14. n. 48. Suar. d. 33. sect. 4. n. 6., who holds it as certain; Lugo, dict. disp. 23. n. 25., who says that it should be fully embraced, along with Nav. Palud. Petr. de Sot. Viguer. and Sylvius, Bon. Fill. etc. apud Dian. loc. cit. Sporer c. 7. n. 854. The same is held by Croiæ, Mazzot. Viva, Roncagl. Juen. c. 3. §. 5. Petroc. de pæn. c. 4. q. 6. in fin. with S. Anton. And the same is expressly taught by S. Thom. in 4. d. 21. qu. 3. art. 1. and art. 2. ad 4. The reason for this is found in the very institution of the sacrament, because it is believed that Christ the Lord imposed this obligation of the seal not only on confessors, but on all others to whom knowledge of the sins of the penitent has come, either directly or indirectly, by occasion or in order to administer the sacrament of confession; otherwise, due reverence for this sacrament would not be sufficiently ensured, nor would the odiousness of the confession be sufficiently removed. From this commonly accepted principle, it follows that the doctor consulted with the permission of the penitent is indeed bound by the seal; although knowledge of the confession is directly made manifest to him for the instruction of the confessor, it is nevertheless also indirectly made manifest in order to administer absolution and to perfect the sacrament. It is not valid to say, as Tamb. and Roncaglia do (who do not, in my opinion, reason well on this matter), that the penitent, by granting permission to the confessor to speak with another about his sin, is considered to be drawing that matter outside the bounds of the seal; for I answer, with Sporer and Croiæ, that this presumption is very uncertain, indeed, as Sporer and Lugo add, the opposite is more firmly to be presumed, namely, that the penitent gives permission with all the limitations that he can (1). It should be noted here, I. that in this case, even though the seal is in effect, the doctor will be able to speak repeatedly with the confessor, and also with others consulted for advice, about the matter discussed, if the judgment of the confessor has not yet been completed. The reason is that, morally, it is considered that the permission has been given by the penitent until the sacrament is perfected. It should be noted II. that, although Lugo says in n. 30 that if a doctor consults about the same matter with two confessors, to whom the penitent has separately confessed, he will not be able to speak with one about what he has heard from the other; I believe the opposite to be true, because, since the penitent gives permission to the second confessor

to speak with the same counselor about his sin, it is certainly believed that the penitent does not desire any advice other than that which is correct, so certainly he pre- (1) En quæst. 77. reformatam, consonantem cum hac tertia sententia: « An doctor consultus à confessario teneatur ad sigillum? In priori libro diximus probabiliter non teneri; sed hic oppositum tuemur. Edit.

[*Latin ed. p. 492*]

It is understood that the doctor should freely speak about all that he knows from the first confessor, and that which pertains to giving sound counsel. 649. — Question: Is the one who seeks counsel, intending to make his confession, bound by the seal of confession? The first opinion affirms this, and Tamb. Meth. Conf. de sig. cap. 4. n. 1. Sporer n. 856. Antoine p. 550. v. Hinc, Conc. p. 747. n. 30 et Croica n. 4952. with Fag., Diana, Stoz, and Gormaz, hold this view. The reason is that, since it is often necessary for penitents to receive counsel before confession, so that they may confess properly, if another were not bound to the seal, confession would be rendered odious. The second opinion, however, which is more probable, denies this, and is held by Suar. d. 33. sect. 4. n. 6. Pal. p. 49. §. 4. n. 8. Henr. l. 6. c. 21. n. 4. as well as Aversa and Illsung, apud Croica l. c. The reason is that (as the Doctors commonly teach) the obligation of the seal arises from the very act of sacramental confession, in which the penitent actually reveals his sins in order to obtain absolution; thus, P. Conc. p. 737. n. 3. and Suar. Con. Vasq. Gabr. Pal. Henr. and others, among others, with Salm. de pœn. cap. 14. p. 1. n. 44. with D. Thoma in 4. d. 21. q. 3. art. 1. But, on the contrary, it is expressly stated: "The seal of confession does not extend except to those things about which there is a sacramental confession." Therefore, because of the revelation of sin made by the penitent to the counselor, if this revelation is not made in the act of confession, nor in order to obtain absolution from him, the counselor is indeed bound by natural secrecy, but not by the sacramental seal, to which the penitent probably acquires no right, except in the actual confession made to him from whom he expects absolution. It is objected to this reasoning that the revelation by the counselor would deter the penitent from seeking counsel, and not from making confession; therefore, the revelation would not render odious confession itself, but rather the seeking of counsel for confession. However, no one is bound in any case to reveal his sins to anyone other than the confessor, in order to confess properly, and therefore, he who voluntarily wishes to reveal a certain sin to a counselor, cannot obligate that counselor to the sacramental seal. Thus, Henriquez, apud Tamb. l. cit. (who believes, as Suarez, whom he cites, suggests, but not quite as we shall say shortly) that if a penitent, before confessing, reveals his sins to a priest for the purpose of making his confession to him later, the confessor is not bound by the seal. But I do not agree with this, because such a revelation

is a kind of incipient confession, since the penitent at that time precedes the revelation of his sin, in order to expedite his confession more quickly afterward; nor does P. Suarez seem to think so, since he does not speak of a revelation made to the same confessor, but only of one made to another.
650. — Question III: Is one bound by the seal who reads a document in which the penitent has written his confession?

[*Latin ed. p. 493*]

The first opinion affirms this, and Antoine holds this view (p. 550, v.). From this, Sporer (n. 857), Roncatius (p. 99, q. 3, with Bass. and Ant. à Sp. S.), Maldonato, Fagius, Rodriguez, and others (apud Dian. p. 1, tr. 4, r. 112) agree. The reason is twofold: first, because that particular scriptural passage was closely related to confession, and therefore it is considered as a confession begun, or as fulfilling the role of a completed confession; second, because such a manifestation of a scriptural passage, which often occurs, especially in general or lengthy confessions, would render the confession odious.

However, the second opinion, which is the most common and more probable, denies this, and it is held by Suarez (d. 33, sect. 4, n. 5), Layman (cap. 44, n. 9), Wigand (tr. 43, n. 149), Palotti (p. 49, §. 4, n. 41), Elbel (n. 503) (who calls it the most probable), Viva (q. 10, art. 3, n. 3), Holzmann (n. 714), Lugo (d. 23, n. 47, with Henry and Maguelone), Salm (de pæn. cap. 44, p. 4, n. 63, with Gran., Conc., and Bonac. q. 6, sect. 5, p. 3, n. 7, with Nav., Soto, Sayr., Nugno, etc.). The reason is that, as stated above, the obligation of the sacramental seal arises only from an actual confession; but that scriptural passage is not a confession, but only a preparation for confession; therefore, the penitent acquires the right to the seal only before the confessor, to whom he presents the paper in order to obtain absolution, and not before others who may read it outside of the act of confession. It does not contradict this to say that, otherwise, a confession might be rendered odious, since many people write out their confessions in order to confess more accurately. For the same answer is given as in the previous question, namely, that the scriptural passage is least required for confession, but only to aid memory; therefore, the manifestation of the reader would not render the confession odious, but only the writing of the sins, to which no one is obligated.

However, Lugo, Viva, Sporer, and Holzmann make the following exceptions: 1. If a mute confesses to the confessor present by means of a script, and someone accidentally reads it; because in that case, the reader truly learns about the sins from the actual confession of the mute. 2. If someone requests by letter from a superior permission for a reserved case, according to what was said in n. 646. Furthermore, Wigand, Viva, and Lugo correctly add that if one reads a paper left in the confessional after confession is completed, or presented to a priest for confession, because that presentation is

a kind of confession begun.

Otherwise, Layman, Palotti, and Sporer state that those who read (and especially those who reveal) such a script gravely sin, unless they are certain that it contains only minor faults and everyday matters (see above, l. 2, n. 70). Layman and Sporer add that, in a case (which they say rarely occurs) of great necessity, such as to save the republic or the life of an innocent person, it may be licit to reveal a secret.

651. — 1. Outside of confession, with the penitent's permission, it is...

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Speak of things heard in confession, whether from oneself, or from another, even if it be dangerous. St. Thomas, Suarez, Prepositus, etc. (And this is to be held as truer [contrary to Scotus, Durand, Major, Gabrel, Anglerius, etc., apud Lugo n. 332], with St. Thomas in Suppl. Quest. 11, art. 2, where he says: "He can make the penitent do what the priest knew... so that God, as a man, also knows what he is doing, when he grants him permission to speak; and therefore, if he speaks, he does not break the seal." And so also Layman, cap. 14, n. 14; Navarrus, cap. 8, n. 15; Roncaglia, p. 100, qu. 5; Lugo, d. 23, n. 433; Concina, 140, n. 14; Wigand, tract. 13, n. 115, and others commonly. The reason is that the seal of confession is an institution only for the benefit of the penitents.)

I. Concerning which a license is required:

1. That it be formal and explicit; for a presumed, tacit, interpretative, or virtual license (even for the good of the penitent himself) is not sufficient. Fagundes, p. 2, l. 6; Tann; Maldachinus, and other Doctors commonly.

2. That it be free and spontaneous, not extorted by force, injury, deceit, or by importunate requests, or even obtained by reverential fear of the confessor. Henricus; Fagundes, l.c.; Diana, p. 5, t. 11, r. 10 and 24. (Croix, l. 6, p. 2, n. 1958, says that if the penitent does not willingly, but only at the request of the confessor, gives permission to speak, it is generally considered that permission has been given out of reverential fear. However, it must be understood that when permission is not spontaneous, but is extorted by repeated requests, or granted solely out of reverential fear, such permission should not be sought unless for a reasonable cause, as Elbel rightly says, n. 482, who also rightly adds that it is better to induce the penitent to give permission outside of confession.)

3. That it not be revoked; for Fagundes and Diana, l.c., teach that the penitent can always revoke it at will, even without a cause. (So also Sporer, n. 821, and Roncaglia, p. 100, qu. 5.)

4. That it need not be in writing; Suarez; Fagundes, l.c. Indeed, if there is doubt whether the confessor spoke with permission, the priest should be believed rather than the penitent, as Graffius and Henricus affirm in Diana, loc. cit., r. 4, or even the heirs; for example, if, by permission of the deceased,

restitution is to be made by them. Tann and Maldachinus, who, however, note that in that case, it should not be said that it is due to a crime, but only that it was intended to be given only in such cases, and it is better to advise the dying to instruct their heirs in such matters in a secret codicil. See Diana, l.c., r. 32.

5. That it is the same whether the license is given by word or by deed, which is equivalent to an express concession; for example, if the penitent begins to speak with the confessor outside of confession about things said in confession; then the confessor can proceed, as Aversa, qu. 18, s. 7, and Tamburinus, in append. c. 2, from Bonacius, teach. (So commonly Lugo, d. 23, n. 131; Palafox, §. 3, n. 14; Concina, p. 740, n. 14; Holzmüller, n. 720; Antoine, p. 547, v.; Hincmar; Sporer, n. 820; Salmeron, de pæn., c. 14, p. 3, n. 41, with Suarez, Layman, and Bonacius.)

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Ronc. p. 401, q. 3, r. 1. However, Lugo, in the cited passage, rightly observes that this seal is still maintained to some extent in relation to others; for although the penitent may speak outside of confession, he is nevertheless considered not to grant the confessor any license other than that which depends on the confession having been completed.) 652. — "2. The seal is broken if, without the penitent's permission, you speak about things heard in confession with the penitent outside of confession, or if you reveal that you know them." (However, it is commonly held by Doctors that it is permissible for the confessor to speak about things heard in confession with the penitent immediately after absolution, before he departs; because although the sacrament is completed, the moral judgment still persists; thus, contrary to Diana, p. 5, tr. 11, r. 49, with Fag., Lugo rightly holds d. 23, n. 129, Nav. c. 20, n. 14, Conc. p. 740, n. 14, Fill. c. 41, n. 324, Ant. p. 547, v. Hinc, Escob. n. 714, Salm. ibid. n. 43, with Gran. and Aversa, Renzi p. 306, q. 4, with Pell. and Veric., and Croiæ n. 1980, with Præp. Henr. Tamb. Dic. and Stoz.) "What Sanch. believes to be true against Suar. and Lagm., even if one wished to treat with him about the essential error in that matter, which they teach is not permitted to be signified to him without his permission, Regin. Fag. Bonac. and others against Filliuc. Turrian. etc., are found in Diana, p. 3, t. 4, r. 87." (See the statements in n. 622.) "I said, outside, because within confession, mention may be made of previous matters, as is evident from the practice of confessors, who, because of recidivism, sometimes accuse and sometimes deny absolution." Thus, Henriq. Præpos. Gran. Mald. etc., are found in Diana, p. 5, tract. 11 res. 20. Where he himself, with Fagund., denies that it is permissible without the express license of the penitent, unless it is about those things which he confesses again, or at least touches upon." See Diana, l. c., and p. 2, tr. 2, misc. res. 12, and p. 9, tr. 11, res. 48. 653. — Therefore, the question arises: can the confessor speak with the penitent within confession about sins heard in another confession, without

the penitent's permission? Diana denies this with Fagund., as mentioned above, but the most common and truer opinion is held by Lugo d. 23, n. 427, Tamb. c. 5, n. 4, Wigandt tract. 43, n. 120, Concina p. 740, n. 14, Ronc. p. 401, quæst. 3, r. 1, Antoine p. 550, v. Hinc, Sporer n. 823, Renzi p. 307, q. 5, with Aversa, Dic., and Malder., and Illsung calls it certain in Croiæ n. 1981. The reason is that it often pertains to the duties of a judge and a physician, which the confessor has, to recall sins of a previous confession, in order to better correct or guide the penitent; therefore, it is unlikely that the penitent has a right to the seal in the act of confession, but rather it is true that the confessor has the right to inquire about all things of which knowledge would help in better direction. Therefore, the confessor can rightly speak with the penitent about all sins confessed by him in the past, whenever he believes that this will be useful to the penitent, who is considered to grant him permission in confession to use any knowledge necessary for his better direction.

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654. — 3. He breaks the seal who says, having heard of a grave sin in a certain monastery, even if he does not mention the person. Diana, p. 5, t. 11, res. 35, and others 3, with Mald. Furthermore, he gravely sins who says, in this or that religious order, that this or that sin has been committed, which he knows only from confession; indeed, it is not permitted to say, even of a city or a certain place, that grave things are done there, or that such and such sins are commonly committed (unless it is known from some other source), as Hurt, Kellison, and Mald. teach in Diana, loc. cit., res. 35, because it can lead to the disgrace and infamy of the entire community, and perhaps even of the citizens in particular, especially when the city is not large, and the penitents are suspected, and thus confession becomes odious to them. See Diana, l. c., and res. 36, where, with Mald., it is taught that the confessor gives scandal if, before those under his care (e.g., the nuns of a single monastery), he preaches about the vices he has heard in confession, because those who have confessed are easily filled with shame. (However, this must be understood if the confessor speaks of a particular fault of a certain nun, or of that monastery; otherwise, if he speaks of defects that are commonly found in all monasteries.)

Here, the question is raised: 1. Does the confessor violate the seal if he asserts that grave crimes are committed in a certain place, which he himself has heard in confession? The first opinion denies this, and Navar. 8, n. 16, Renzi, p. 322, quest. 44, with Fag., Vivald., and Onuphr., as well as Henriq., Gran., Lop., etc., apud Escob., l. 16, n. 749, who agrees in n. 750, hold this view, if in no way can the person be identified, because otherwise (they say) no injury is done to the penitent from such a revelation. The second opinion, however, is the most common and far more probable, and is held by Suar., d. 33, sect. 3, n. 8; Bon., q. 6, sect. 5, part. 4, n. 3; Fill., c. 44, n.

322; Concina, p. 740, n. 43; Viva, qu. 40, art. 2, n. 4; Tamb., l. 5, c. 3, §. 5; Holz., n. 714, with Laym. and Pal.; Sporer, n. 827, with Diana, and, as Lugo asserts, d. 23, n. 64, with Vasq., Con., and Led., it is taught that the seal is violated if the place is small (e.g., if it does not contain approximately three thousand inhabitants). The reason is: because, although the person is not revealed, yet, since the revelation brings infamy to the entire community, it also causes grief to the penitents who are members of that community, and therefore such a revelation would make confession odious to them. Otherwise, if the place is large, and the crimes are public, as Lugo, Concina, Sporer, and Tamb. assert, ll. cc., contra Vasq., who too harshly condemns this. This is permitted by Petro-covens, t. 4, p. 90, q. 4, even to preachers, provided they do not say that they heard it in confessions. Habert, t. 6, p. 264, q. 14, r. 3, also holds the same view, saying that it is permissible for confessors to generally allude to the vices that secretly plague people in sermons. This is expressly permitted in c. Si sacerdos 2, de Offic. Jud., ord., where it is said: If a priest knows for certain.

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Someone is guilty of some crime, or if he has confessed... he should not accuse him specifically, but rather generally. That is, in a general way, as Panormitanus explains in the aforementioned chapter, 2, question 2. It is doubted whether the confessor breaks the seal if he says that a religious person confessed to him a grave sin from that very confession. Escobedo denies this in book 46, number 743, along with Henry Nugno, Fagnani, and Candido, provided that knowledge of the particular person is not revealed. However, Busembach and Suarrez, in question 33, section 3, Council, page 740, number 8, Bonaventure, page 4, number 3, Diana, page 5, treatise 14, response 23, Palafox, page 5, section 3, number 14, along with Navar, Layman, and Henry; also Saint Antoninus, Villalobos, and Gran, chapter Escobedo, number 754, argue that this is the case, because then those of that confession would suffer harm. And so, likewise, the confessor would violate the seal if he were to say in that confession that such sins were committed. However (as the Council reasonably states against Diana, as mentioned above, Busembach, as above), it is not the case if he were only to say that he heard of a sin committed by a religious person of some order: because this is neither a revelation of the seal, nor does it pertain to the gravely penitent, since some evils exist in every order; therefore, neither does scandal arise, nor is religion defamed, unless (correctly limited) that particular religious order was an order of observance. 655. — "4. Knowledge received solely in confession may never be used in any case if there is a risk of revelation, even indirect. However, if there is no risk that the penitent or the use of that knowledge will be revealed, and if it is probable that it is permissible to use it for the governance of another, for example, to deny suffrage to someone whom, from the confession alone, he knows to be unworthy, or to

close the door through which someone enters at night to sin; also, knowing of a future betrayal, to warn of diligent custody, to prevent a clandestine marriage when an impediment is known, as Vasquez, Henry, Navar, etc., teach. However, it seems more true what Furnus, Sanchez, the Council, Layman, Diana, page 3, treatise 4, response 76, and page 5, treatise 11, response 3, and others teach; because this teaching could deter the penitent from confession. Indeed, for superiors of religious orders, such a method of governance is prohibited in the year 1594, although in the Society of Jesus, the same rule had already been in place before, and it was forbidden to say the contrary. See Diana, page 4, treatise 4, response 202. On the other hand, it seems more probable that in such a case it is permissible to use that knowledge for one's own governance, for example, to abstain from a chalice in which it is known there is poison, to turn away from the forest in which one knows that death has been prepared for him from the confession of a single bandit, as Sylv., Henry, Council, Layman, in this chapter, 15, teach, against Suar., Diana, page 5, treatise 11, response 46. Cardinal de Lugo makes an exception unless the action or omission of the confessor reveals the sin, or causes harm to the penitent, against Council, disputation 9, doubt 4, etc., who believes that it is permissible, even if death were to threaten the penitent from his companions. See l. c. number 108. 5. Then to do something from which only the penitent would become aware: this could be done from knowledge of the confession, and it would be against the seal, D. Thomas denies.

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Bonac. Sot. Vasq. etc. Affirmant Sylv. Vald. Con. Dian. p. 3. 1. 1. r. 46. And Fagund. Gran. Card. de Lugo, and Avers. qu. 48. sect. 8. confirm this, if it is the case that such a thing causes the penitent shame or distress, for example, if it made his face appear more stern, or if it caused him to be repulsed; otherwise, if it is pleasing to him, or at least if it does not make confession hateful or more difficult; for example, if he heard that the penitent was provoked to indignation, or hatred, or had fallen into temptation because of a certain fact, or statement of the confessor himself, and therefore he abstains from such facts or statements, etc. 656. — All of these things should be examined more carefully. I. It is doubted whether a superior, because of a sin heard in confession, can remove a subordinate from office. Sambovius affirms this in t. 3. cas. 48. And this was previously taught by D. Th. Quodl. 5. q. 7. a. 13, provided that the revelation of the sin is absent, saying: Therefore, if the removal of a subordinate from office can lead to the manifestation of a sin heard in confession, or to a reasonable suspicion of him, then in no way should the prelate remove him. But if, by the removal, the sin is not manifested at all, then, on some other occasion, he may remove the subordinate from office, and he should do so, with due caution. And the same is confirmed in Suppl. qu. 41. a 1. ad. 3. The

same is said by S. Bonav., Alex. de Ales, Gabr. Pal., and Adrian, in Habert t. 6. p. 260. qu. 14, and others in Suar. d. 33. sect. 7, who call this opinion the common one, as it truly was among the ancients. But this doctrine is opposed today by the decree of Clement VIII. (de casib. rea. Pro omnibus relig. c. 4.), issued on May 26, 1594, in which it is said: "Superiors, whether existing for the time being, or confessors, who are later promoted to the rank of superiors, must be very careful not to use the knowledge they have of the sins of others in confession for external governance." Although this decree was issued only for religious superiors, it is rightly said by Holzm. n. 717. v. 20, and Croiæ, that it should be extended to all (whatever Habert says in the cited work), since the same reason that applies to religious also applies to secular clergy, namely, so that confession is not made hateful. Furthermore, this is made more certain by another decree of Innocent XI, as we will soon see in the following question. 657. — II. It is doubted whether a superior, in the election of a benefice or office, can deny his vote to the one whom, from confession alone, he knows to be unworthy? Sambovius affirms this, as above, with S. Antoninus 3. p. tit. 16. c. 29. §. 1. in fine, where he writes: "He who has a free election, even if he knows through confession alone that someone is unworthy of the prelacy to which he is being elected, while another considers him worthy, should not elect him, if his conscience dictates it, because in electing knowingly a worthy or unworthy person, a matter is transacted between himself and God." Therefore, he can also, because of these things,

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He knows that God, in his judgment, is just. But this must be entirely rejected, as stated by Sporer, no. 869; Viva, *Append.* ad *prop. damn.*, § VII, p. 526; Coge, p. 744, no. 22; Croiæ, no. 1977; Holz, *loc. cit.*; Rone, p. 202, q. 6; Elbel, *loc. cit.*, and others. And today, this is certain from the decree of the Sacred Congregation of the Inquisition, published with the authority of Innocent XI, November 48, in the year 4682, in which the following proposition was condemned: "It is permissible to use the knowledge acquired through confession, provided it is done without direct or indirect revelation, and without causing distress to the penitent, unless a much greater harm would result from its use, in comparison to which the former is deservedly disregarded." Then, an explanation or limitation was added, stating that the use of the knowledge acquired through confession should be understood in such a way as to avoid causing distress to the penitent, without any revelation; and in the case where a much greater distress would result for the same penitent from its use. This aforementioned proposition, to the extent that it admits the use of said knowledge with distress to the penitent, even with said explanation, is prohibited by the present decree, etc. They also command all ministers of the sacrament of penance to completely abstain from drawing conclusions from this (doc-

trine) in practice. Therefore, Viva, Holz, Mazz., and Croiæ rightly state that it is illicit for a confessor to lock a penitent in the confessional to prevent him from going out to sin; to dismiss a servant, or to take away his keys, so that he may not steal; or to show a penitent a harsher face, or to deny him the former communion of friendship. This is not to be accepted with Sanch., *de matr.*, book 3, chapter 46, no. 3 and 4; Croiæ, no. 4963, 4976, and 4977; Laym., chapter 44, no. 44; and Holz, no. 747. This is what Sporer wrongly admits in no. 870, namely, that it is permissible to take away keys or money from a chest, or to lock doors, or to no longer entrust keys to a servant, based on knowledge acquired through confession; because all of these things would result in distress or reproach to the penitent. However, if a superior knows someone to be unworthy through some other means, such as a lack of age, knowledge, or prudence, or because he knows others who are more worthy of the benefit, then, according to Nat. *de Aleæ*, *de sig. confess.*, Reg. 57, and Merbes, vol. 2, p. 449, q. 50, and D. Th., 4th, chapter 21, no. 1, ad. 4, where it is said, "And for many other reasons, someone may be deemed unworthy of the office of leadership, besides sin, such as a lack of knowledge, age, etc.; and therefore, he who contradicts [the superior] does not make a suspicion of a crime, nor does he reveal a confession." But I believe, with Petrocor., vol. 4, p. 95, that this opinion can only apply in the case where such circumstances are known from some other source, either before or after the confession, and which would move the superior to deny the benefit, even if he had no knowledge of the penitent's unworthiness from the confession. Therefore, the author of the Additions to Wigandt is to be carefully considered, saying that, from the sole knowledge of confession, a superior cannot be led to govern based on—

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Furthermore, he may derive light from it, and take another external pretext or color to avoid giving his consent. However, it is generally admitted that the confessor may use the knowledge of confession to make himself more cautious in family matters, to prevent negligence, to watch over his flock more diligently; provided that no suspicion of sin is given to others, nor is the penitent burdened or implicitly rebuked; thus Habert, p. 261, line 3. Antoine, p. 549, line Hine, Pal., p. 5, § 3, n. 48. Viva, loc. cit., § VII. Sporer, n. 870, and Bon., p. l., n. 3, with Soto, and Reg. eco D. Th., in loc. cit., ad 4, where he says: The confessor may say to the Prelate, that he should watch over his flock more diligently, but in such a way that he does not say anything by which he would reveal the confessor. However, all of this, as stated in P. Conc., p. 744, n. 23, is absolutely denied to be permissible, saying that the confessor must conduct himself in all things as if he were completely ignorant of what he knows from confession alone. There is no doubt that the confessor must proceed with the utmost caution in the aforementioned actions, since it is difficult to avoid all danger of revelation or burden to the

penitent. However, the general rule, almost universally accepted, is that it is permissible to use the knowledge of confession, where no revelation occurs, nor is any burden imposed on the penitent; thus Sanch., de matr., l. 3, d. 16, n. 4. Lugo, d. 23, n. 102. Habert, t. 6, p. 260. Suar., d. 33, sect. 7, n. 9. Viva, App., loc. cit., § 9. Antoine, p. 649. Mazz., t. 3, p. 589. Holz., n. 747, and others commonly: even Concina himself, in the aforementioned n. 23, admits this rule, saying that the confessor may use the knowledge of confession both to reform his own morals, and to maintain his own life, when two things concur, namely, if the secret is kept, and the confession is not made odious. Therefore, Holz., Antoine, Mazzott., Viva, etc., commonly admit that it is proper for a priest to pray for the penitent from the knowledge of confession, or to treat him more kindly: also, to consult books and wise men, to temper severity, to be directed from confession to question or instruct others, without giving any suspicion of the prior confession; also, (as Holz. says, loc. cit., v. And hinc, with Stov) to be able to protect himself from dangers and occasions of spiritual or temporal harm. And so, likewise, Bon. says, p. 4, n. 49, with Nav., Reg., Zerola, etc., that he may also warn others, in a general way, namely, to be careful not to go out of the house, etc., always keeping all danger of revelation, or burden to the penitent, hidden. 658. — Objection III. Can the confessor deny communion to a penitent to whom he has previously denied absolution as being indisposed, if that person later secretly requests communion? The first opinion affirms, and this is held by D. Th., in l. d. 9, q. ul. a. 5, saying: If a priest knows the sin of someone who asks for the Eucharist, whether in confession, if secretly, he should deny it to him, and warn him.

[*Latin ed. p. 501*]

It is also stated in *Petrocor.*, vol. 4, p. 95, no. 2, along with St. Bonaventure and St. Antoninus, and other older authorities, as cited by Sanch. on Matrimony, book 3, chapter 46, no. 6. The reason is that, (as they say), on one hand, the precept of denying the Sacrament to dogs is then in force; on the other hand, there is no revelation of the seal, nor any unjust reproach that would render the confession odious to truly penitent individuals; for such a denial or warning would only be harmful to those who are not truly repentant and who would find the odious confession burdensome. However, this should not prevent a priest from warning a sinner and from denying the Sacrament to an unworthy person. Similarly, it is said that a bishop can and should deny Holy Orders to someone whose unworthiness is known through confession, and a parish priest can refuse assistance in a marriage where he knows, through confession, that there is an impediment present.

However, the second opinion, which is the true one, denies this, and this is held by Sanch., op. cit., no. 5; Lugo, book 25, no. 126; Laym., chapter 14, no. 22; Bon., p. 4, no. 47; Salm., on Penalties, chapter 14, p. 3, no. 46;

Cont. *Tourn.*, treatise on the Eucharist, chapter 6, article 4, conclusion 6, with Henr.; Spor., no. 869; Mazz., book 3, question 5; Holzm., no. 747; Conc., p. 742, no. 48; and Croix, book 6, p. 2, no. 4974. The reason is that such a denial of the Sacrament or warning would render the confession odious, not only to those who are illicitly seeking the Sacrament, but also to others, who, if they knew that a confessor could sometimes use knowledge of the confession, would easily abstain from the Sacrament of Penance. This opinion is certainly to be held today, as stated in the aforementioned decree of Innocent XI, which prohibits any use of the knowledge of the confession that would result in any burden on the penitent. See nos. 657, 659 above.

— Doubt IV: Can a priest who knows from confession that a trap is being set for him flee, or otherwise take precautions, under some pretext? It is certain that he can (as Lugo rightly states, book 23, no. 408), if such precautions reveal the confessed sin to others only to a minimal extent, and if no burden is imposed on the penitent. However, it is doubtful whether it is permissible for him to flee if, by fleeing, others who are already aware of the penitent's sin would conclude that the penitent has confessed that sin to him. The first opinion affirms this, provided that no harm comes to the penitent; thus, Palaus, p. 5, § 3, no. 48; Bon., p. 4, no. 27; *Petrocor.*, vol. 4, p. 97, no. 4; Wig., treatise 43, no. 422; Spor., no. 863; Renzi, p. 309, question 9, with Con. and Fag.; and Laym., chapter 14, no. 21, with Soto, Sylvest., Adr., Gabr., and Henr. The reason is that it is one thing to reveal a confessed sin, and another to reveal the confession of a sin that has already been known by others; in the latter case, the sin is not revealed, but only the fact that a confession of that sin has been made, which is not a violation of the seal. The second opinion, which I follow, denies that this is permissible, and this is held by Suar., book 33, section 7, no. 7; Salm., ibid., nos. 45 and 53; Antoine, p. 549; Elbel., no. 524; Ronc., p. 99, question 3, with Nav. and Led.; Mazz., vol. 3, p. 589, with Viva, and Croix, and Lugo, book 23, no. 440, with Soto, Vasq., Rich., and Med. The reason is that such flight would be a kind of indirect...

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The revelation of a confessed sin. It must be said that an indirect revelation occurs when an action is taken from which it is inferred that a sin has been confessed; but in this case, the priest's departure does not manifest the sin, but only others infer from their own conscience that a sin has been confessed. However, it is argued, following Lugo, that under these circumstances, namely, the knowledge of others of the crime and the penitent's confession, that departure would be a true revelation, not only of the confession made, but also of the confessed sin. And although the priest may feign his departure under some pretext, he will always give some reasonable suspicion of a confessed sin. Father Cuniliati states in book 1, chapter 4, section 7, number 40, that in this case, the penitent is obliged

to give the priest permission to leave in order to avoid danger; otherwise, the priest is not obliged to absolve him, and the penitent can always give permission without incurring serious harm to himself. He adds that if the penitent unjustly denies permission, the priest, provided he does not give others the impression that a confession has been heard, may lawfully use the knowledge received through confession to free himself from danger; then indeed (he says), no harm is done to the penitent, but only a manifestation occurs within himself of the permission that he denied. However, I believe this should be admitted only to a very limited extent; for although there may be no harm to the penitent, there is truly at least an indirect revelation of the knowledge obtained in confession. It should be noted here what Roncaglia says in *De Sigillis*, chapter 2, rule 1, namely, that if a priest knows from confession that someone is accustomed to commit many sins, or has a weak disposition, he cannot, without just cause, conceal himself or excuse himself from being heard by him when observed by others, and much less if the penitent considers this to be a tacit reproach of his sins; on the other hand (he says), if no one is observing, because then no suspicion would arise in others. But I do not agree with this latter statement, because if the priest is already present in the confessional, and then leaves because he sees the penitent approaching, and even if others notice nothing, it still seems to cause him harm, and in some way makes confession odious. And this is even more to be feared after the decrees, as mentioned above in number 656, where it is forbidden for priests to use the knowledge of confessions for external governance, or to cause any harm to the penitent; indeed, as the same Roncaglia says in chapter 2, question 6, with St. Thomas, Lugo, Sanchez, etc., even if there is no revelation, and even if the penitent in no way realizes that this is happening because of the confession that has been made. Therefore, from Roncaglia himself, I say that although that departure may appear to be under a pretext, it is generally odious to the Christian community, because if the faithful knew that priests could, under a false pretext, avoid hearing them,

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It is easily understood that those who have received knowledge of the sins of others in confession may be burdened. However, the confessor may lawfully conceal himself, if he has a just reason, and may even excuse himself from other penitents who are unknown to him. It does not impede that the penitent at that time might suspect that the confessor is concealing himself because of the sins he has heard; for if the confessor is truly excusing himself for a just reason, then that suspicion is truly rash, which the confessor is not bound to avoid. Therefore, I conclude that the confessor ought to behave towards such a penitent as he would behave towards another, of whom he had never received confession. However, I approve what is said by the same Ronc. ibid. q. 5. with Lugo, dist. 23. n. 446, that if the penitent

threatens the confessor because of a denial of absolution, the confessor may rightly flee from him, and not return, because then those threats are not a sin manifested in order to obtain absolution, but a sin committed in confession, which does not enjoy the seal. However, this flight is only permitted to the confessor, if, by fleeing, he does not cause suspicion in others of a denial of absolution; but if he did, he might recite some prayer, not now intending to deceive the penitent, but simply to free himself from that vexation, even though the penitent may deceive himself, believing that prayer to be the form of absolution. See the words on the Sacrament, book 6, n. 59, v. E, converse, 660.

Question: Can a confessor, knowing from confession that the Church has been polluted, celebrate the sacraments there?

This case rarely occurs, for (as we said in book 6, n. 364), for the Church to be polluted, a public violation is required; however, it may sometimes happen, namely, if the violation were indeed public, but unknown to the confessor, or if others are ignorant that the Church has been polluted by such an act. In these cases, the first opinion, held by Sporer de pænit. n. 874 and Bon. ibid. tit. q. 6. p. 4. n. 23, with Sylvest. Laxar. and others, says that the confessor may and ought to celebrate. The reason is that the Church does not seem to wish to obligate the priest not to celebrate at that time, in favor of the seal. The second opinion, however, held by Lugo, dist. 23. n. 425, and Aversa, and Tamb. apud Croiæ, book 6, part 2, n. 4976, believes that he may not celebrate, because, on the one hand, the precept not to sacrifice in a polluted Church is urged, and on the other hand, the precept of preserving the seal is not strongly urged, since there is no danger of revelation among others, nor damage to the penitent. And this opinion seems quite probable, with Mazzotti, if truly there is no burden on the penitent, and no indirect revelation is made, for example, if the confessor explains a just pretext for celebrating elsewhere (4).

Question VI: If, from confession, you know that someone (to whom you are accustomed to confess)

"(1) 'We say that, unless there is a danger of revelation or harm, the confessor, knowing that the Church is polluted, may, indeed ought, abstain from celebrating.'" Hom. Ap. tr. 16. N. 159.

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Whether you are not a priest, or are not a confessor, can you and must you proceed to confess to him? Sanchez, in *De Matrimonii*, book 3, chapter 16, number 5, denies this, and it seems probable, as stated in number 874, because, on the one hand, you cannot simulate the reception of the sacrament; on the other hand, you do not violate the seal by omitting confession; thus, you reveal nothing of the penitent's crime, since valid reasons may exist for changing confessors. However, Lugo, book 23, number 405, Mazzola, volume 3, number 189, and Croize, number 1978, more commonly

and truly hold the opposite, with Viva, Dicæ, and Stoz, and even Sporer considers it probable in the aforementioned passage. The reason is that, in such an omission, although the revelation of the seal is absent, there is always some odious reproach of the penitent. Nor is it necessary for you to simulate the sacrament (which is truly intrinsically evil), but you can simply manifest some sin to that fictitious priest or confessor without the intention of absolution: which would not be illicit in this case, since your cooperation in that sin would be only material.

664. Furthermore, speaking generally, I say that a confessor in this matter, which is so grave and dangerous, must be very careful that the penitents do not undergo any unjust burden, as we intended from the beginning; however, he is not obliged to avoid all conjectures, which are easily made by the malicious, but only to avoid giving probable suspicions about the sins heard, as Lugo, book 23, number 406, says with Scotus, Palatine, and Meda, and Croize, number 1947, says with Gobius, Tamburini, and Gormani, and also St. Thomas says in the *Quodlibet*, 5, article 43, where he says: If a subordinate can, through the administration, induce another to manifest a sin heard in confession, or to have some (note) probable suspicion, the superior should in no way remove the subordinate.

DOUBT II. What is the precept, and what is the obligation of confession?

662. To whom, and when does this precept apply? And how is the time for the annual confession calculated?

663. Does the divine precept of confession apply outside of the article of death?

664. How does the oath of physicians not to visit the sick who are unconfessed obligate?

665. Who are bound by the precept of confession?

666. Are the impubers [those who have not reached the age of puberty]? Can these be absolved if there is doubt about the use of reason (Rheims, if number 432)?

667. Is one obligated to make an annual confession even if he has only venial sins?

668. Is one who does not fulfill the precept obligated to fulfill it as soon as possible?

669. And does one fulfill the precept through a confession made in the year following?

670. Is there an obligation to confess to one's own pastor during Easter?

671. Is one ever obligated to confess before the end of the year?

672. Does one fulfill the precept through an invalid confession?

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673. Those who are excused from this precept.

674. Penalties for those who violate this precept.

662. – RESPONSE. The precept of confession, both divine and ecclesiastical, obligates all, and only the baptized, who are subject to mortal sin; the former in articulo mortis (at the point of death); the latter after having reached the age of discretion, and simultaneously to confess to one's own priest, or to another with his permission, once a year; calculating from one confession to the next, as some teach (as cited by Sotus and Gratian, *Apud Viva de pœnit.*, question 4, article 3, number 4), "or from the beginning of January to the end of December, as is more commonly held" (and as held by Viva in the cited passage, and by Palearius and others, *Apud Croiæ*, number 2043). "Or finally, from Easter to Easter, as custom has long prevailed, because of the connection with Communion." (Suarez, *d. 35*, section 2; Vasquez, *qu. 90*, article 2; Cardinal de Lugo, *d. 41*, section 3, numbers 6 and 7; Coninck, *d. 5*, *d. 6*). (Hence, Holzmüller rightly states in volume 1, page 341, number 33, that, speaking in general terms, the year should be calculated from January to December; however, considering the universal custom, it is calculated beginning from Easter to Easter.)

663. – It is questioned whether the precept of confession obligates intrinsically at any time in life outside of mortal danger? The common opinion is that it does not intrinsically obligate immediately after sin; thus, St. Thomas in the 4th Distinctions, 17th Question, article 4, whom Suarez, Lugo, Regius, Villalobos, etc., follow, along with Salmanticensis, *de pœnit.*, chapter 7, page 4, number 5. It is doubtful whether it obligates intrinsically at least more frequently in life? Both the Doctors of the Church and Scotus, and Gabriel, *Apud Salmanticensis*, ibid., number 9, as well as Palearius, Bosco, and Dicælius, *Apud Croiæ*, volume 6, page 2, number 2020, deny this. The reason is that such an obligation seems to lack any certain foundation, since the sinner can reconcile himself with God through contrition. However, it is more commonly affirmed by Salmanticensis, cited above, number 9, at the end, along with Regius, Victorinus, Ledo, and Gratian, and Croiæ, cited above, along with Rodriguez, Illescas, and Gormezano. And this seems more probable, because (according to the statements in number 297, regarding a similar precept, namely that of Communion), since this precept is divine, Christ left it to be determined by the Church, which in the canon *Omnis de pœnit.*, etc., determined that it should be observed at least once a year. Furthermore (as we stated in number 437, Doubt 1), this precept, by accident, obligates the sinner even within a year to confess, if he is not in a state of mortal sin, out of charity towards himself, so that he may not remain in mortal sin for a long time.

664. – Here, it is necessary to address the question that we have already discussed in volume 4, number 482, but which must now be discussed more fully: How are physicians obligated to exhort the sick to confess? It should be known that the Council of Lateran, under Innocent III, in chap-

ter 43 of the decree *Cum infirmitas* concerning penance and remission, strictly commanded (namely, under a grave penalty, as all interpret, *Apud Salmanticensis*, *tr. 47*, *de juram.*, chapter 2, page 7, section 3, number 90) all physicians not to receive sick people into their care unless the sick have first confessed. Then, Pope Pius V, in the *Motu proprio* that begins with the words "Supra gregem," issued in the year 1566.

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Having established this sanction by innovation, it was decreed: "No physician shall begin to treat a sick person unless he advises him to make a confession; nor shall he visit him for more than three days, unless he knows from a written statement of the confessor that he has confessed." And it was commanded that physicians, before assuming the degree of doctor, should swear that they would observe this precept; and that ordinaries should not admit them into their dioceses unless it was established that they had taken this oath.

With these things established, the question arises: concerning what infirmity are these decrees to be understood? There are three opinions. The first opinion, held by Laym. l. 5. tr. 6. c. 5. n. 5, as well as Rosel, Graff, Vega, and Rodriq. apud Salm. cit. n. 90 (and Ciera, in his dissertation 21, calls this opinion the "common" one, though undeservedly), states that it is to be understood concerning only dangerous illnesses, or at least those about which there is doubt as to whether they are dangerous. And Nav. Man. c. 25. n. 64 agrees, saying: "There is no need for an admonition when it is manifest that the illness is not dangerous." And in this sense, the aforementioned authors claim that the aforementioned decrees have been received in practice.

The second opinion, held by S. Anton. 3. p. lit. 7. c. 2. §. 4, and Sylv. v. Medicus, §. Tertium, states that it is to be understood concerning any illness, even a non-fatal one. The reason is that, even in a dangerous illness, a natural law admonition would be required; therefore, since in the aforementioned chapter, "Concerning Infirmity," a new precept is established, the text cannot be understood to refer only to a fatal illness.

The third opinion, which is more common, held by Suar. in 3. p. d. 35. sect. 3. n. 4, Sanch. Dec. l. 3. c. 16. n. 7, Bon. t. 2. d. 4. qu. 4. p. 16. n. 10 and 13, Pal. tr. 14. d. 2. p. 7. §. 4. n. 2, Con. t. 4. p. 86. qu. 5, Viva q. 4. art. 2. n. 4, Dian. p. 3. tr. 4. r. 93, with Ang. Arm. Tab. Nugn. Homob. etc., and Salm. de juram. tr. 47. c. 2. p. 7. §. 3. n. 90, in fine, with Cajet. Trull. and Candido, and to which Pope Benedict XIV agrees in Notif. 22. num. 49, states that this precept is not to be understood concerning only dangerous illnesses, because, truly, the Constitution of Pope Innocent was issued (as is expressed in the aforementioned chapter 13) for the reason that the sick, when they are admonished concerning a mortal illness, might more easily incur the danger of death; therefore, the precept or oath is to be understood

as concerning the giving of an admonition even in a non-dangerous illness, so that the sick, when they are admonished, might not incur the danger of death.

It states that it is not even to be understood concerning any slight illness (which would be ridiculous, says Suarez), but concerning a serious illness, even if it is not dangerous. The reason is that both Pope Innocent and Pope Pius speak of sick people who are lying in bed, and therefore they are speaking of that infirmity by which the sick person is not made more comfortable, as if he were suffering from gout or some similar affliction, but rather is compelled to go to bed, so that he is, in himself, serious, or is prudently judged to be dangerous, so that he becomes serious. And truly, D. Antonin and Sylv. in the places cited above do not disagree with this opinion; for the reason they adduce proves nothing other than that an admonition is to be given even if the illness is not fatal; therefore, they do not say that it is concerning every slight illness.

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It must be noted that the sick person should be admonished, but some maintain that admonition is only necessary in cases of illness, even if not immediately life-threatening, which we call a serious condition. However, others, including DD. I., state that it is sufficient for the physician to admonish the sick person through others; thus, Mazzotta, chapter 3, page 287, and Suarez, Viva et Diana, books and chapters, along with Graff, Vega, Homob., and others, books. It is sufficient to have the testimony of others (without a written statement from the confessor) that the sick person has confessed, provided that they are trustworthy; Suarez, Sanch., Mazzotta, and Diana, with Fill., Nugn., Barb., and others, books. The physician is not obligated to provide such admonition if he is morally certain that the sick person is in a good state; thus, Sanch., number 4, along with St. Anton., Ang., Rosel., Arm., Nav., and Tab., and Salm., treatise 47, chapter 2, page 7, section 3, number 92, along with Sylv., Fagn., Leand., and Trull., volume 5. If the sick person stubbornly refuses to confess, and would be in danger of death if abandoned by the physician, then the physician is not obligated to abandon him, because the aforementioned decrees do not contradict charity, which favors even the obstinate as much as possible; thus, Nav., Bon., Suarez, Diana, Conc., and Sanch., number 8, along with Cajet., Graff., and Vega. Pope Benedict XIV, in Notification 22, number 17, states that this opinion is common among theologians and canonists, along with Lugo, Pal., Pirhing, and others. Regarding the obligation to admonish the sick person about confession, while strictly adhering to the rigor of the aforementioned constitutions of Pope Innocent and St. Pius, it seems true that the third opinion is correct, stating that admonition should be given not only when the illness is mortal, but also when there is a danger that it may become mortal; for the Popes certainly impose a new precept

on physicians, in addition to that to which they are themselves bound by divine law. Oh, if the aforementioned constitutions were observed, how many sick people would avoid damnation, who, due to the negligence of physicians, postpone confession, or die unconfessed, or poorly confessed. But since the decrees of the Popes are only binding insofar as they are customary, as taught by Cajet. in Summa, verb. Medici peccata, Sanch., in the cited passage, number 14, Pal., section 4, number 6, Corella, treatise 16, chapter 3, number 22, Diana, in the cited passage, along with Victor and Scortia, and Salm., treatise 47, chapter 2, page 7, section 3, number 91, along with Prado, Trull., Leand., and Candido, it follows that Salm., ibid., along with Cajet., Sanch., and others cited, state that the aforementioned decrees and the oath in Spain are not binding, because they are not customary there, or have been abrogated. Mazzotta, volume 3, page 287, and 550, also testifies to this, speaking of our kingdom, when he says that the oath of St. Pius in Naples is observed only in dangerous illnesses.

4. The following are bound by this precept: 4. Heretics and apostates, even children capable of understanding, at least after the age of seven. See Diana, page 4, volume 3, line 52. Lugo, book cited, section 7, number 144 and 149. 2. Those embarking on a dangerous voyage or conflict. 3. A woman in Dender who is about to give birth, or who is accustomed to having difficult births. 4. A person condemned to death. 5. Those who show signs of natural death. (Thus, commonly, Salm., de pænit.)

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c. 7, p. 1, n. 6; *Viva eod.* tit. q. 4, art. 2, n. 3; and *Croiæ* l. 6, p. 1, n. 2019, along with St. Thomas, Suarez, *Pal.*, *Con.*, etc. And this is according to divine precept. Furthermore, Lugo, d. 15, n. 37, and Salm, ibid., n. 8, along with Navarr, Laym, Azor, Sylv., etc., commonly state that a sinner ought to be compelled to confess, if he reasonably believes that he will not have the opportunity of a confessor throughout his life. However, Lugo, n. 41, along with the common opinion (contrary to Medin. and Nugn.), states that there is no obligation to confess solely because of the danger of forgetting one's sins.

666. — "2. It is improbable that St. Augustine, in *Confessiones*, teaches that the Church obliges before puberty, when the years of discretion are more quickly reached, and it is certain that mortal sin can be committed before the age of ten, or even before. Therefore, if such a child, at least in some way, seems to understand that he has offended God through this or that action, and shows sorrow, and has the intention to amend, and knows the principal mysteries of the faith, he ought to be absolved; otherwise, if sufficient use of reason is not observed; but if there is doubt, he can (indeed, at the point of death, he must) be absolved under a condition. See Laym., l. 5, t. 6, c. 5; Dian., p. 4, t. 4, r. 53; and C. de Lugo, l.c., and d. 17, n. 22, where it is also taught that, even outside of the point of death and the obligation

of the precept, such a person ought to be absolved under a condition, so that the grace of the sacrament is not denied." (See the statements on this point, n. 432.)

667. — "3. He is not obligated who has only venial sins, although custom may exist, and everyone may be compelled, to at least present himself to the pastor during Easter, so that with the others, he may be admitted to Holy Communion, to which the pastor is bound, if another states that he is not conscious of mortal guilt. Suarez, d. 36, l. 2, etc., commonly state this." (Whether religious and nuns are bound to go to confession and receive Holy Communion each month? See the statements, n. 313. See also).

The question is asked: Whether, in order to fulfill the precept of annual confession, one who has mortal sins is bound to confess venial sins? The first opinion affirms this, and St. Bonaventure and Sylv. (in St. Bonaventure, d. 5, q. 5, p. 4, n. 8) hold this view, along with D. Th. in 4, d. 17, q. 3, art. 1, q. 3, ad 3, where he says: "No one is bound by the power of the Sacrament to confess venial sins, but by the institution of the Church, when he has nothing else to confess." And it is considered probable by Contin. Tourn. in *de præcept. Eccl.*, cap. 4, Quær. 4, along with Habert, for the reason that the Council of Lateran IV, under Innocent III, in c. *Omnis de pæn.*, generally obliges the faithful to confess at least once a year, and therefore also those who have only venial sins? The second opinion, however, is the common and truer one, and is held by Bus. and Suarez, as mentioned above, St. Anton., p. 3, tit. 14, c. 19, §. 14; Eug., d. 45, n. 492; Holzm., t. 1, p. 344, n. 28; St. Bonaventure, l.c., along with Azor and Salm., *de pæn.*, c. 7, p. 3, n. 30, along with Cano, Vasq., Cayt.

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Concerning Confession: It is the opinion of some Doctors, etc., that the Church, by mandating annual confession, only requires that confession which is due according to Christ's institution. However, Christ does not require any other confession than that of mortal sins, as explained in the Council of Trent, Session 14, Canon 5, which states: "Venial sins, however, may be confessed without guilt." This is confirmed by the very words of the text in the aforementioned canon: "Every priest is to hear the confessions of all the faithful at least once a year." Note the word "all"; therefore (as well-known authorities such as Lugo, Bona, Salm, etc., rightly observe), the mandate of the Lateran Palace concerns the confession of only mortal sins, and it is not certain among all whether there is an obligation to confess all venial sins.

668. — "It is probable that, if someone, either in one year or in successive years, without his own fault, does not fulfill the precept, he is still obligated, as soon as possible, in the following year; because the term is not set to end the obligation, but to avoid delaying it. And therefore, he can commit such mortal sins as many times as he neglects the offered opportunity, as taught

by Bona, d. 5, q. 5, s. 2; Suarez, Vasquez, Cardinal Lugo, l. a., n. 477, against Sylv. Valent., Laym., Dian., etc., who say that one perseveres in the same sin." (See n. 297, concerning the precept of annual Communion, which proceeds in the same manner as the precept of annual confession; there, we adhere to the affirmative opinion, even though we present the negative opinion with St. Antoninus, Toletus, Sa., etc., who do not recognize this obligation).

669. — "However, does a confession made in the following year satisfy the obligation of both years, according to the opinion stated above? The first opinion affirms this, and it is held by Lugo, d. 45, n. 180; Dic. Bonasp.; and Anton. à Sp. S. apud Salm., de pæn., c. 7, p. 4, n. 45. The reason is that the precept concerning confession is for confession to be made once a year; therefore, whoever has made it, is not obligated to make another in that same year. Otherwise, someone who had not confessed for three years would have to confess four times. The second opinion denies this, and it is held by Suarez, in 3, p. d. 36, sect. 4, n. 5; Laym., c. 5, n. 40; Bonac., p. 4, n. 34, with Conc. Fill. and Nugno; because, just as someone who is obligated to pay a tax each year, if he did not pay in the previous year, does not satisfy the obligation by paying one tax this year, so one cannot satisfy the obligation of two years with one confession. The third opinion, however, is truer, as held by Pal., p. 20, §. 2, n. 45; Vivaq., 4, a. 3, n. 5; and Salm., oit. n. 45, circa fin., with Præp. Hurt. and Leand., thus distinguishing: If, in that confession, one manifests both mortal sins of previous years and of the present year, then he properly fulfills the obligation of both years. The reason is that, by that one confession, he has already fulfilled the end of the precept, namely, to be reconciled with God; this is contrary to the second opinion. Nor does equality..."

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denarii contributed; for the payment of one denarius cannot equate to the payment of two denarii owed, but one confession can indeed equate to many confessions, since one confession remits all sins that would have required many confessions for their remission. If, however, the penitent has not committed any mortal sins during the present year before confession, and then commits a mortal sin, then one confession does not satisfy the precepts of both years, but he is obligated to confess again. The reason is that that confession only satisfies the precept of the past year, but not of the present year, and he does not satisfy the precept of the present year if he does not confess the mortal sins of that year; commonly, the Doctors teach, and it is fitting, as Laym. loc. cit. Pal. § 3. n. 4. and Salm. de pæn. c. 7. p. 4. n. 44. with Suar. Vasq. Bon. Bec. Dic. Reg. Diana, Hurt. Leand. etc., and Lugo himself d. 45. n. 473, that if someone confesses only venial sins at the beginning of the year, and before the end of the year commits a mortal sin, he is obligated to confess it within that year. Therefore, since that

confession of sins committed in the past year is not sufficient to fulfill the precept of the present year, it follows that if the penitent commits a mortal sin in this year, he is obligated to confess it before the end of the year. 670. — « 5. Those who confess to Religious also satisfy the precept, even during Easter, because these have the faculty from the priest, especially their own priest, of all the faithful, and are pastors of pastors. Thus, commonly, all are in agreement against the Glossator and the Author of the Parochial Obedience. See in the Responses of Francis Fontani, published in Vienna, Austria, in the year 1634, the cited authority of two general councils, Viennese and Tridentine, 20 Doctors, and, in addition to the consensus of the entire world, the testimony of many pastors, that those are the best parishioners who approach the Religious and are instructed by them, as above, book 4, part 3, chapter 1, doubt 3. Also, Navarr. Azor, Pag. Trull. book 3, chapter 3, section 2, number 6. Diana, page 8, part 4, number 88. (See the statements on this point, number 564). 671. — « 6. One is not obligated before the end of the year if he, having committed a mortal sin, fears that he will forget it. Conin. Henr. C. de Lug. d. 14. n. 41. and others against Med. etc. However, if he foresaw that he would not have the opportunity to confess again during the entire year, he should take precautions even in the middle of the year. Card. de Lugo, disputation 45, section 6, number 482. (See the statements, number 298). 672. — « 7. It is more probable that the precept of the Church is not satisfied by a confession that is invalid, as teach Suar. d. 36. s. 7. Fill. Laym. de Lugo d. 45. s. 6. § 5., although Fagund. believes the contrary to be probable. See Diana, page 3, part 4, number 420. (However, it is now improbable because of proposition 14, inter damnatas by Alexander VII). « Also, it is not satisfied by a confession of only venial sins, as teaches Diana, page 4, part 4, number 206, from Hurt. and Mercero. (See the statements, number 669, in end).

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673. — c. 8. Those are excused from this precept: 1. Those who are physically unable, e.g., those for whom a confessor is not available; 2. Those who are morally unable; e.g., those who prudently fear the revelation of secrets; or those who cannot without notable detriment to their life, fortune, etc. *Conin. Tamb.*, c. 4, § 3.

674. — c. Note at the end that, concerning the common precept from chapter *Omnis utriusq. seætis*, a double penalty is incurred by those who transgress this precept, namely, prohibition from entering the Church and deprivation of burial; but this penalty is incurred after the judgment of the judge. And the immature are excused from the aforementioned penalty. *Ita Viva eæ communi*, q. 4, art. 3, n. 9. See the aforementioned n. 295. v. *Præceptum*.

DISSERTATION: Concerning confessor's who solicit.

675. — From the *bulla* of Gregory XV, issued in the year 1622, and

described by Salm. concerning the precepts of the Decalogue, c. 4, p. 3, § 4, no. 47, the following must be denounced: All... priests (the words of the *bulla*) both secular and... religious... who, whoever they may be, have attempted to solicit, or have provoked, or have endeavored to entice persons, in any way, to commit dishonest acts, either among themselves or with others, in the act of sacramental confession, or before, or after, immediately, or by occasion, or under the pretext of confession; or who, even without confession, or outside the occasion of confession, in the confessional or in any place where confessions are heard, or in a place chosen for hearing confessions, have pretended to hear confessions, and have had illicit and dishonest conversations or dealings with them. And then it is added: We command all confessors to warn their penitents, whom they know to have been solicited, as above, to denounce those who solicit or have dealings with them, etc., to the Inquisitors, or to the local Ordinaries, etc. And if they fail to perform this duty, We command that they be punished according to the nature of their fault. In the edict of the General Inquisition, excommunication *latae sententiæ* is imposed on those who, within a month, do not denounce all who are suspected of heresy, among whom are included confessors who solicit for immoral purposes. Concerning this excommunication, see the aforementioned n. 693. Here, it is appropriate to note the authors whom I have consulted concerning this matter of solicitation, with the indication of the passages. They are: Castr., t. p. tr. 4, de Fide, d. 9; Bon., t. 4, d. 6, de oblig. denunt., p. 3; Escob., t. p. p. 4, l. 47, c. 29; Salm., de præc. Dec., c. 5, punct. 3, per tot.; Felix Pot., part. 3, n. 492; Rone., de pæn., p. 443; *Diana*, p. 4, tr. 5, per totum; Cone., de pæn., p. 756; Mazz., eod. tit., t. 3, p. 435; Anacl., p. 241, q. 5. Furthermore, few authors treat this matter explicitly.

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Perhaps because the aforementioned bull of Gregory was not received everywhere, as Anaclet asserts in number 67, concerning Germany, and Palaus concerning Spain. But it must be noted that His Holiness Pope Benedict XIV, most recently in the year 1741, in June, issued a bull that begins with the word "Sacramentum," in which he established, and, so that the work might be accomplished anew, he again commanded all Inquisitors and all Ordinaries of the entire Christian world to inquire and proceed against all priests who solicit, of whatever dignity, presence, etc.

§ I. The clauses in the aforementioned bull of Gregory XV are considered.

676 Concerning clause I. In the act of sacramental confession.

677 Concerning clause II. Immediately before or after.

678 Concerning clause III. On the occasion, or under the pretext, of confession. What does "on the occasion of confession" mean?

Dub. 1. Should he be denounced who solicits a woman, asking that she

hear her confession?

Dub. 2. Should he be denounced who, having heard of a woman's weakness, afterwards solicits her at home?

679 What does "under the pretext of confession" mean? And what if, from the words of a woman, fleeing because she is ill, a confessor is called to her to confess, and then solicits her?

680 Concerning clause IV. In the confessional, or in any place whatsoever... simulating that they are hearing confessions. What does "simulating" mean? And what if the confessor solicits in the confessional, without, however, simulating a confession?

676. — CLAUSE I. In the act of sacramental confession. It suffices if the confession has begun, even if it is not completed: thus Salm. tr. 21, c. 4, p. 3, §. 4, n. 44, and Ronc. de pænit. q. 8, c. 1, q. 4. Note here proposition VI, condemned by Alexander VII, which stated: "A confessor who gives to the penitent a paper to be read later, in which he incites to lust, is not considered to have solicited in confession." Likewise, the confessor should be denounced if, in confession, he offers an apparently indifferent object, which, however, is later recognized to have been given with the intention of soliciting, such as to induce the woman to wait for him at home: or if he asks her where she lives; thus Ronc. d. l. and Bordon.

677. — Clause II. Immediately before, or after. "Immediately before" is commonly understood by Passerin and Boss, apud Ronc. q. 6 (contrary to some apud Barbos.), to mean strictly, so that no interval intervenes. But should the confessor be denounced who solicits immediately after the penitent has requested confession? Salm. tr. 21, c. 4, p. 3, §. 4, n. 49, in fin., affirms this, but it seems more probable, as I judge, that Bordon, apud Potest. n. 504, denies it. However, it must be noted that, even in that case, although the confessor may not be denounced according to the aforementioned clause, he must nevertheless be denounced according to the third clause that follows: on the occasion of confession, as will be explained below; for if the confessor uses that request as a means to solicit,

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It must certainly be denounced; otherwise, if he uses his position only for conversation, and if, afterward, during the conversation, he makes solicitations. It is, however, commonly understood by theologians that this must be denounced immediately, when, after confession, neither the confessor nor the penitent turns away to other matters, so that a solicitation occurs before any other action intervenes; thus, Salm. Roncag. Pot. n. 503, with Hurt. Lez. Peyrin. It is stated in Potest. n. 504 that the confessor who solicits after the penitent has departed from his presence should not be denounced. However, it is rightly considered that the confessor should be denounced if, immediately after confession, he says to the penitent, "Wait for me a little

while," and then, after an interval, he returns and solicits, even if, upon approaching, he has previously engaged in a serious discussion of another matter, because in such a case, such a behavior is presumed to be prudently contrived; otherwise, if he comes the following day and solicits, as stated in Potest. n. 506. But some learned authorities state, not implausibly, that if the matter in question is of great importance and pertains to the confessor, he should not be denounced. Therefore, it must be judged according to the circumstances whether a solicitation and a business matter were probably intended as a means; or whether the business matter was the primary purpose, and the solicitation was accidental. It is certain that the confessor must be denounced if, immediately after confession, he leads a boy into a room and solicits him; for he then immediately places, if not a solicitation, at least a means to a solicitation, as Ronc. d. q. 6, and Potest. with Dian. etc. n. 507 state. Also, if, after hearing the confession of a woman, as she approaches to kiss his hand, the confessor touches her in a scandalous manner; or if, as she stands before him to confess, he touches her in a scandalous manner with his feet or hands, he should be denounced if this occurs immediately after her confession. If, however, this occurs on another occasion, see what is said in clause IV, n. 680. 678. — Clause III. By occasion or pretext of confession. It is said to be by occasion of confession when the confessor, or the penitent, invites to a true confession; by pretext, when it is a feigned confession; thus, Potesta, n. 509, Ronc. qu. 7, and Conc. n. 7 and 4. By the term "occasion of confession," the confessor must be denounced if, when asked to confess, he turns away and solicits, even if the woman has not yet sat down, nor knelt; thus, commonly, Salm. tr. 21, c. 4, p. 3, § 4, n. 52, Potesta n. 510, in fine, and Ronc. l. c., and Pal. p. 7, n. 6. Doubt 4: Whether the confessor should be denounced who, when asked by a woman to receive her confession the next day, solicits her? The Council and Mazz. p. 439, with Potest. and others, affirm that he should be denounced, because it is already verified that he solicited by occasion of confession. However, Pal. p. 7, n. 4, and Quarti, and Leand. ap. Mazz., deny that he should be denounced, because such a solicitation is not closely related to the act of confession, but rather to an agreement to have a confession made. But this does not prevent the solicitation from being said to have been made by occasion of confession. Therefore, I adhere to the first opinion. Doubt 2: Whether the confessor who, through weakness...

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A priest, having heard a woman's confession, subsequently seeks her out at her home. The first opinion denies this, and this view is held by Sousa in *De confess. soll.*, n. 10, and others apud Diana, p. 4, tract. 5, r. 7; also Salm, ibid., n. 51, with Trull. and Leand. The author himself holds this view in *Lib. Istruz. per li nov. Conf.*, part. 2, c. 14, n. 293. The reason is that the priest does not then use the opportunity of the confession, but

rather knowledge gained from it; therefore, he is said to sin not out of the opportunity of the confession, but out of knowledge of the confession, while the solicitation is removed from the place and state of the confession.

However, the second opinion, which is more probable, affirms this, and is held by Mazzotta, Potesta, n. 504, in fine, and n. 587, Conc. n. 7, Peyr. with Graff. apud Diana, l. c., and Ronc. q. 7, with Lez., Boss., and Bord. The reason is that, since the solicitation has its impetus from the confession, it is sufficiently verified that the solicitation is made in the opportunity of the confession. It is also sufficiently presumed that the priest has used knowledge of the confession to solicit, if, after hearing the sins of the penitent, and her inclination towards lust, he asks about her home, whether she lives alone, and similar questions; or, as the Council says, if the priest and the penitent were previously unknown to each other, and the priest, by the opportunity of knowing her levity, goes to the woman's house and solicits her. Also, it is rightly said by Ronc. with Ad. cited by him, if the priest solicits by letter; or if the priest obtains, or requests from the woman, consent for intercourse, promising to absolve her confession.

679. — 2. Under the pretext of confession, the priest must be denounced who, with a wicked intention, falsely invites a woman to confession, and then solicits her; Conc. n. 8, Mazz., and Ronc. d. q. 7, with Bord. But if the priest goes to solicit the woman, seeking permission from his superior under the pretext of confession, then Salm, tr. 21, c. 4, p. 3, §. 4, n. 55, and Ronc. l. c. in fine, with Bord., and Tanæredi apud Potesta, n. 513, rightly say that he should not be denounced, because then the pretext of confession is not with respect to the penitent, but with respect to the superior. But whether the priest should be denounced who meets with the woman, in order to pretend to be sick and thus deceive her household, and thus entice her into his home to commit sin? The Council and Mazzotta, l. c., Fagund. apud Potesta, n. 513, and Sancius apud Diana, p. 4, tr. 5, r. 37, affirm this, because the pretext of confession then seems sufficiently manifest. But it is more probable that Ronc. d. q. 7, in fine, with Bord., Diana, l. c., and Escob. n. 662, with Trull., with Freita, and Leand., deny this. The reason is that it is not verified that the priest solicits under the pretext of confession, but only that under the pretext of confession, sin is committed; so that the pretext of confession is then ordered not for solicitation, but for deceiving those who are familiar with her. And much less (contrary to Concina), I believe that the priest should be denounced if the woman, without any prior agreement, invites and solicits him under the pretext of confession, even if they then have relations; because, according to the *bulla*, the priest must be denounced when he himself solicits under the pretext of...

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Confession; but in this case, it is not the confessor, but the penitent who, under the pretext of confession, troubles the confessor. However, I believe

it should be said differently, if the confessor were to trouble the woman outside of confession, and she were to refuse, fearing defamation; and therefore, the confessor would persuade her, by pretending to be ill, to bring him closer to her in order to sin; because then it would truly be said that the confessor is troubling the woman under the pretext of confession to obtain her consent. I think the same should be said if the confessor is called by the mother of a girl to have her daughter make a confession, and he himself goes to the girl's room with a wicked intention to speak to the girl about confession, namely, by asking her if she wants to confess, or by saying that he has been called to hear her confession, and then he troubles her; because then he would also be troubling her under the pretext of confession. I think the same should be said as in Escob. n. 662 and Diana, d. r. 37, when the confessor, in a place designated for confessions, and under the guise or appearance of hearing confessions, pretends to hear confessions in order to entice, he must then be denounced, not already because he is troubling under the pretext of confession, but because he is troubling by feigning confession in a place designated for that purpose, as we will say next, number 680. — Clause IV. Outside of the occasion of confession, in the confessional, or in any place where confessions are heard, or in a place chosen for hearing confessions, if anyone attempts to trouble or provoke, or if they have illicit and dishonorable conversations or dealings with them, while pretending to hear confessions there. By "pretending to hear confessions there," we mean if the priest acts in such a way that those present believe that he is actually hearing the confession. Ronc. q. 8 and Escob. n. 675, among others, say that it is not enough for a woman to kneel before the confessor for him to simulate a confession; it is also necessary for the confessor, by voice, gesture, or some action, such as putting his ear closer, to simulate hearing the confession; because, as they say, the simulation must be on the part of the penitent, but also on the part of the confessors, as is said in the decree: "pretending to hear confessions there." However, Pal. p. 8, n. 4, Diana r. 18, and Fagund. and Trull. apud Escob. n. 673, better state that when the confessor is present in a place designated for hearing confessions, and the woman is kneeling there, and the confessor troubles her, he must already be denounced; because by remaining there and hearing the penitent, he already contributes to the belief of those present that she is confessing, and therefore, by that very act, he is already simulating that he is hearing a confession. However, I think it should be said differently if, in any place, even if chosen for confession, but outside of the confessional, the priest were to trouble a woman who is standing, or sitting, or lying down; as will be said shortly. I said: "outside the confessional," because the question arises whether the confessor who troubles or engages in shameful acts in the confessional should be denounced, even if he does not simulate a

confession?

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The first opinion denies this, and it is held by Pal. p. 8, n. 4; Escab. n. 669; Ronc. q. 8, with Lez. and Salm. tr. 21, c. 4, p. 3, §. 5, n. 57 and 58, with Freita, Fag., and Leand.; also Sancius, Sousa, Hurt, Boss., and Donat, apud Pot. n. 522. The reason is that, as stated above in the *bulla* of Gregory, confessors who, outside the occasion of confession, in the confessional, or in any place where confessions are heard, or in a place chosen for hearing confessions, attempt to solicit or provoke, or have illicit and dishonorable conversations with [those confessing], must be reported. Therefore, they infer that whether the solicitation occurs in the confessional or in another place designated for confessions, the simulation of confession is required for the obligation of reporting the confessor. However, it is more probable to affirm that it must be reported, as stated in Mazz. Conc. n. 41; Dian. p. 1, tr. 4, r. 48, and p. 4, tr. 5, r. 38, and p. 8, tr. 9, r. 35, and Pot. n. 522, with Bord. Trull., etc. With these, we say that if the confessor solicits in two other places as described above in the *bulla*, the simulation of confession is required for him to be reported; but not if he solicits in the confessional. This is proven by the decree of Paul V. (related by Pot. loc. cit.) where it is stated: On July 10, 1614, in the general Congregation of Holy Rome and the universal Inquisition, before His Holiness Pope Paul V., a report was made that many confessors were dealing with women in the confessional, outside the occasion of confession, about dishonorable matters: His Holiness decreed that proceedings should be taken against such confessors in the Holy Office. Therefore, since there is no mention of the simulation of confession there, it is sufficient for reporting the confessor that he himself deals with dishonorable matters in the confessional, without simulating that he is hearing a confession. It is not valid to say, as the opponents claim, that this decree was abrogated or restricted by the *bulla* of Gregory. For it is answered that the general rule is that previous laws are never understood to be abrogated by subsequent ones, unless they are entirely contrary to the former; otherwise, a contradiction can always and in some way be excused, and the correction of laws should be avoided as much as possible, as commonly taught by Sanch. de matr. l. 4, d. 47, n. 6; Pal. de leg. tr. 3, d. 5, p. 2, §. 4, n. 9; Salm. ibid. c. 4, p. 2, §. 4, n. 13, and others, DD. passim, from c. Cum dilectus, de consuet., and from l. 4, c. de Inoff. Dotib., where it is said: Laws are prompt to agree with laws. The decree of Paul V., therefore, is in harmony with the *bulla* of Gregory; for in the former, it is only a matter of the confessor dealing dishonorably in the confessional; in the *bulla* of Gregory, it is added that he deals with dishonorable matters, not only in the confessional but also in any place where confessions are heard, or in a place chosen for hearing confessions, and the clause is added: simulating that they are hearing confessions there. Therefore, since this

clause can only refer to the two latter places, and not to the confessional, it is not necessary to say that the decree of Paul V. was abrogated by the *bulla* of Gregory. Furthermore, there is the edict of the Holy Roman Inquisition (related by Pot. t. 2.

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n. 536.) where it is stated: "They must denounce each of those of whom they know, or have learned, that they have abused the Sacrament of Penance, using the Confession or Confessor (note) for dishonest purposes, soliciting the penitents to commit shameful acts, and having with them conversations about illicit and improper matters, and matters not pertaining to the purpose for which it was instituted (1)." Therefore, such a confessor must at least be denounced by this edict, because he abuses the confessional to solicit.

Q. SII. Who are those who solicit and must be denounced?

681 Q. I. Must a confessor who consents to a soliciting woman be denounced?

682 Q. II. Must a confessor, who, when solicited to copulate, says, "Yes, to the touch"?

683 Q. III. Must a confessor who solicits for acts that are venially sinful but dishonest be denounced?

684 Q. IV. Must a confessor who solicits for non-shameful sins be denounced?

685 Q. V. Must Bishops who solicit be denounced?

686 Q. VI. Must a confessor who solicits be denounced, if he has been reformed?

687 Q. VII. Must he who has been convicted of solicitation and punished be denounced?

Q. VIII. Must he who consents to a soliciting woman, so that she may not be approached, be denounced?

Q. IX. Must he who feigns confession under this edict to engage in dishonest acts be denounced?

688 Q. X. Must a layperson, or a cleric, who solicits in confession, feigning to be a confessor, be denounced? And what if he is a priest, but lacks jurisdiction?

689 Q. XI. Must the penitent who solicits the confessor be denounced?

690 Q. XII. Must the interpreter who solicits the penitent be denounced?

691 Q. XIII. Must a confessor who solicits a woman, in order to induce another to sin, or in order that she herself may sin with another, be denounced?

692 Q. XIV. Must a confessor who solicits after his death be denounced?

684. - Q. I. Is a confessor who consents to a soliciting woman in confes-

sion to be denounced? Salm. tr. 21, c. 4, p. 3, § 3, n. 42 affirms, and argues that the contrary opinion is not probable after the bull promulgated by Gregory XV, in which it is expressly stated that not only confessors who solicit, but also those who have dishonest dealings, must be denounced; and Mazz. Conc. n. 16, Pot. n. 579, also holds the same opinion, as does Salm. ibid. § 4, n. 54, with Dian. Leand. etc. However, Bon. disp. 6, p. 3, n. 47, Pal. p. 5, n. 4, Escob. n. 653, with Acunna, Hurt. Sousa, and Sanctorell, deny it; also Prado, Bordon, Homob., and Trull, apud Salm. l. c. And Ronc. q. 5, seems to lean towards this opinion, saying with Bord. Sanctorell., etc., that it can be answered to the reason given by Salm., provided that the words of the bull are understood to refer to dishonest dealings, of which the confessor is the author. And Dian. p. 4, tr. 4, resol. 14, says that this is probable, and safe. But to me, another reason occurs to me for this opinion, which is given in (1) That is: "They shall denounce whoever they know or discover to have abused the Sacrament of Penance, using confession or the confessional (note) for dishonest purposes, soliciting penitents to commit shameful acts, and engaging in conversations about illicit and improper matters, and matters not pertaining to the purpose for which it was instituted."

[*Latin ed. p. 518*]

Bonifacius and others hold the view that which seems more probable. The reason is that from the same decree of Gregory, it is commanded to confessors that they should remind of the obligation of denunciation, not merely of any penitents who have had dishonest dealings with confessors, but of those whom they know to have been solicited by others, as mentioned above; therefore, it is inferred that a penitent could lawfully, if he wished, denounce a confessor in this case, according to the first probable opinion, but it seems more probable that the penitent is not obligated to do so; because, in order for the penitent to be subject to the obligation of denouncing the confessor, it is required that he have been solicited by him. Although, therefore, the confessor is not excused from the crime of an dishonest act in the confessional, the penitent is excused from the obligation of denunciation, provided that he is not found to have been solicited. And it is rightly considered that the Pope did not wish to obligate penitents to denounce confessors who have attempted to solicit them, due to the great difficulty that deters penitents from denouncing in this case, in which the sin has its cause in themselves; then, because, if they were to denounce, their reputation would be greatly endangered; then, because the law would then be too harsh for them. A certain modern writer has written that this opinion had been condemned by Benedict XIV in the decree *Sacramentum*, mentioned at the end of the work. But he asserted this falsely, for the Pope there only said that denunciation should be made, even if there has been mutual solicitation between the confessor and the penitent. However,

mutual solicitation is very different from that which occurs from a woman, and to which the confessor consents, as the Doctors clearly distinguish the one case from the other, as can be seen in Felicianus Potentius, *De Denuntiatione*, n. 582, where they say that mutual solicitation occurs when the confessor, solicited by the penitent for one act of impurity, solicits the woman for another (as is said in the following number), or even when the confessor, solicited by the penitent, first refuses or changes the subject; and then, after some interval, solicits her; and in these cases, some authors, such as Castropus, Peyrin, and Acuna, have held that there is no obligation to denounce; and this is the opinion that was condemned by the Pope: and indeed rightly, for in such cases it is already verified that the penitent truly remains solicited; and that the confessor truly solicits; but in our case, when the confessor simply consents to the solicitation, it is not verified, nor can it be said that the woman is solicited. When, however, the cooperation of the confessor is a simple consent, or even mutual solicitation; this depends on the circumstances of the conversation and the dealings that take place between the confessor and the penitent.

682. — Question II. Should a confessor be denounced who, being solicited by a penitent for copulation, refused and turned away to mere touches? Salmasius argues in favor of this in *Tractatus*, 21, chapter 4, page 3, § 3, number 40, along with Leander and Dionysius. But Palearius, part 5, number 4, Escobariensis, number 656, and Trullius, Hurtado, etc., argue against it, as can be seen in Salmasius, ibid., number 39. The reason is that a woman soliciting for copulation virtually provokes even to touches, which are ordinarily a prelude to copulation.

[*Latin ed. p. 519*]

Wherefore, it is verified that the confessor (as above) is not the one who initiates, but rather is the one who consents under duress. Moreover, Palearius rightly notes in question 36, that if the confessor, being solicited towards sodomy, deviates towards fornication, or conversely, then he must certainly be denounced, since he is then soliciting towards an act to which he was not initially solicited; for fornication is not included under sodomy, nor vice versa. 683. — Question III. Should a confessor who solicits acts that are only venially dishonest be denounced? The first opinion affirms this, and this is held by Diana, Mazzola, Viva in prop. 7, condemned by Alexander VII, and Trull, Sancius, Fagundes, Leander, and Thomas Hurt, n. 635. The reason is that acts that are lightly dishonest outside of the sacrament are grave within the sacrament, due to the grave injury that is inflicted upon it; just as the consumption of a small amount of food on a fast day would be, in itself, a minor sin against temperance, but would be a grave sin if it occurred before Communion. The second, more probable, opinion denies this, and this is held by Palearius, part 3, n. 3, and Escobar, nos. 636 and 637, along with Sousa, Portell, and Gaspar Hurt. The reason is that, on

the one hand, it is certain that, as Palearius, Portell, and Sousa say, in order to denounce a confessor who is being solicited, it must be the case that the act of solicitation is a grave sin, so that it can certainly be considered that he is gravely sinning in it, and therefore he must be denounced as suspected of heresy, as is stated in the edict of the General Inquisition apud Potest, vol. 2, n. 526. But no one can be considered suspected of heresy who only commits a venial sin. Hence, Benedict XIV calls this act of solicitation a nefarious wickedness; and in the bull of Pius IV, it is said of such priests who solicit, who, instead of offering reconciliation with God, burden the penitents with a greater burden of sins, and deliver them into the hands of the devil. On the other hand, an act that is light against chastity cannot become grave within the sacrament; otherwise, any venial sin in the matter of truthfulness, patience, or humility would become grave within the sacrament, which no one asserts. It does not contradict to say that a light fault becomes grave due to the reverence due to the sacrament; for this applies when something is prohibited solely because of the reverence due to the sacrament, as is prohibited any small morsel of food before Communion; but not when something is forbidden by the Church because it is inherently evil, for then, since all the injury that is inflicted upon the sacrament is to the extent that the sacrament is administered or received with a wicked act, if the act is lightly wicked, the injury inflicted upon the sacrament will also be light. However, all agree with Palearius and Escobar, op. cit., that if, from the circumstances, it can certainly be inferred that the priest had the intention of proceeding further with this light act, then the solicitation must be considered grave. 684. — Question IV. Should a confessor be denounced who, in confession, solicits the penitent, not towards immoral acts, but towards other sins? The first opinion affirms this, and this is held by Pegna, Zechius, Moure,

[*Latin ed. p. 520*]

and Acunna apud Dian. p. 5. tr. 4. r. 47., and this is inclined by Potest. n. 496. cum Cord. Ratio, inasmuch as in the bull of Gregory XV it is said that he who has illicit and dishonorable dealings with a penitent must be denounced; but whereas "illicit" seems to encompass all other culpable acts, apart from the matter of dishonor; and this seems to be more clearly expressed in the edict of the Inquisition, where it is commanded that those who have discourses with penitents concerning illicit things, and which are not suitable to the purpose for which the Sacrament of Penance was instituted, must be denounced (1); and inasmuch as in the decree of Alexander VII it is held that all who are even slightly suspected of heresy must be denounced; if, therefore, he who incites to vice must be denounced as suspected of heresy, why not also he who incites to other crimes? This opinion seems quite probable, and therefore Pal. rightly says in part 6, no. 2, that Inquisitors can probably know of such incitement if it is reported,

because of the faculty granted to them. The second opinion, which is the most common and more probable, denies this, and is held by Pal. in the aforementioned place, Mazz. Holzm. t. 4. p. 342. no. 671. Bon. part. 3. no. 13. cum Ledes. et Sanctorell. Ronc. p. 443. qu. 3. cum Boss. et Carena, Diana d. r. 47. cum Freita, Peyr. Homob. Sousa, and Veneto, and Escob. n. 631. cum Fag. Leand. Molf. Scortia, etc. Ratio: because nowhere is it expressly stated that such incitement must be denounced; although in the bull of Gregory, besides the word "dishonorable," the word "illicit" is added; nevertheless, it is clear that both words signify the same thing, when it is said, "illicit and dishonorable dealings." Nor are the words of the edict to be understood otherwise, because the edict refers to the bull, or certainly it ought to refer to it. It does not object to say that he who incites to other crimes is also suspected of heresy; for most Reverend Fathers (as we have seen) interpret the bull of Alexander, and believe that there is no obligation to denounce such inciters, since the bulls of Gregory, and of other Pontiffs, speaking of incitement in confession, have commanded that only those who incite to vice be denounced; therefore, it seems that the obligation to denounce inciters has been imposed only on this matter of venery, because, due to the frailty of nature, this incitement is more frequent, and a greater danger of consenting to it may occur. And this (as Diana says in the aforementioned place) is confirmed by the practice of the Inquisitors. Furthermore, it is commonly said by the Reverend Fathers, and rightly so, that there is no obligation to denounce priests who incite to vice in other sacraments than that of Penance, because truly, nowhere is there a precept regarding this obligation; thus Bonac. par. 3. n. 7. Diana r. 46. Pal. part. 6. n. 3. cum Freita, Acunna, and Sancio, and Escob. no. 634. cum Lez. Peyr. Sanctorell. etc. contra Moure, and Hurt. 685. — Question V. Whether Bishops who incite in con- (1) That is: Sermons concerning things illicit and not pertaining to the matter of the Sacrament of Penance.

[*Latin ed. p. 521*]

Regarding the question of whether a confessor who is concerned about a penitent's state should denounce them: Some deny this, as stated in Pal. part. 9, n. 2, and Escob. n. 745, citing Mol. Acunna, Trull. Freita, Decian, and Sancio, because even in the case of formal heresy, the bishop is not subject to the Inquisitors, according to c. Inquisitores, de hæresi in 6, and according to Trid. sess. 24, c. 5, where it is stated: "Criminal causes of a grave nature against bishops, even heresy... should be known and settled only by the Roman Pontiff himself." However, others argue that it is better to denounce, as stated in Bonac. part. 3, n. 8, Ronc. p. 443, qu. 2, r. 1, Salm. tr. 21, c. 4, p. 3, §. 2, n. 30, with Hurt. and Ant. à Sp. S. and Potesta n. 621, with Leand. Fag., etc. Bonac. believes that they should be reported to the Inquisitors; however, Potesta, Ronc., and Salm., cited in n. 30, along with others, say that they should be reported to the Pontiff, if it can be conveniently done; otherwise,

they say that it should be reported to the Inquisitors, who, although they cannot punish or conduct a formal trial against bishops, can still receive information about the committed crime and then report it to the Pontiff, as can be gathered from Extravag. Cum Matthæus, de Hæret., where it is prescribed how to proceed against Nuntios and Officials immediately subject to the Apostolic See. In this, Pal. and Escob. agree with Trull. Sancio, and Acunna, namely that the Inquisitors can well receive such information. Under the name of bishops, bishops also include titular bishops, and even those who have not been consecrated, provided they have been confirmed; also, nuntii, legati, and abbots who have a quasi-episcopal jurisdiction, as stated by Salm. ibid. n. 31, with Barb. and Tamb. 686. — Question VI: If a confessor is concerned about the penitent, should he still denounce them? The first opinion denies this, and Pal. p. 40, n. 1, and Escob. n. 624, and 625, along with Soto, Molf., Acunna, Peyr., Fag., Portel., Zenard., Freita, etc.; also, Led. Lugo, Trull. Leand., Hurt., and others, apud Salm. tr. 21, c. 4, p. 4, §. 1, n. 75, believe this to be probable (at least externally), and the Author of Instruct. etc. p. 2, cap. 14, §. 2, also considers it probable. The reason is that the purpose of denunciation is the amendment of the matter and the removal of harm, and once these have been achieved, the principal law of denunciation ceases, as well as the natural law of denunciation, which primarily concerns amendment; nor can positive law reverse this order. Viva de l. præc. q. 8, art. 5, n. 3, also considers this probable. However, the Doctors rightly accept a formal heretic, especially one who dogmatizes, whose amendment is difficult, and whom it is certainly advisable to denounce, at least to assist others whom he may have converted. The signs of amendment are (as stated by the Doctors cited in Salm. ibid. n. 76, and in Viva d. l.): 1. If the woman who is concerned, after going to the confessor three or four times, no longer notices a wicked disposition in him; thus, Escob. n. 625, with Trull. Diana, and Sousa. 2. If the confessor has lived well for three years, as Sancius says. 3. If he has been sacramentally confessed, and has not attempted to return to his errors for a long time, as Escob. d. n. 625 states.

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When Freita, Sancio, Marc. Alciati, Farinac, Hurt, Ricc, Felin, and Barb. agree, that is, when four agree. 4. If the jubilee has been earned, as Escobedo says, concerning the case in Genuensi. 5. If he has become religious. 6. If he is a man of outstanding integrity, and has once or repeatedly been tempted, as Hurtado states. 7. If, after the temptation, he immediately shows signs of distress. 8. If he is an old man, so that it may be judged that he was greatly tempted, and afterwards truly recovered, as Sylvester says. However, Viva states in his book that these signs individually are not sufficient, unless several are joined together to demonstrate amendment. And this is to be noted very carefully; for just as it must be certain that

a crime has been committed, so too it must be certain that amendment has taken place. And what is said about temptation, the same must be said about other suspected crimes of heresy. Although the aforementioned first opinion is considered quite probable by the cited authors, I judge the second opinion to be even more probable. The second opinion teaches that the confessor must also announce that the penitent has been amended. The reason is that the Pontiff intends more to punish the offense than to effect its amendment, in order to repair the damage to the Church and to compensate for the scandal. And therefore, as mentioned above, he has decreed that an announcement must be made, without any prior fraternal correction, which should certainly be given if the primary intention is amendment, and not punishment. Thus, Suarez, Bonaventure, Azor, and others agree with Salm, *Tractatus*, 21, chapter 4, page 4, paragraph 1, number 77, who certainly maintain that this second opinion is to be held. 687. — Question VII. Is there an obligation to announce the confessor who has already been sufficiently convicted and punished for solicitation? It is certain that if he commits the offense again, after having been punished for the first offense, he must be announced again. The same must be said if he has not been fully convicted of solicitation, because then he would not have been sufficiently punished. Therefore, the question arises: if he has already been sufficiently convicted and punished for the same solicitation. Acuna, Seraphin, Hurt, and others deny that there is an obligation to announce, as stated by Salm, *Tractatus*, 21, chapter 4, page 4, paragraph 1, number 73, in the footnote. But Salm, ibid., number 74, along with Bonaventure and Trullius, more plausibly affirm that the confessor is considered amended, according to the first opinion mentioned above. But it is far more probable that Salm, ibid., number 74, with Bonaventure and Trullius, state that because then it is not certain that amendment has taken place; secondly, because the woman is not excused from the obligation to announce, because another has announced; therefore, each person who has been tempted is absolutely obligated to announce, whether or not others are announcing. Question VIII. Should the confessor be announced who consents to the solicitation of a woman, out of fear that she will accuse him, unless he consents? Hurtado denies this, because ecclesiastical law does not obligate, when a serious fear intervenes. However, this reason is weak, because such fear is not considered serious; for judges do not easily believe every accusing woman, as Salm says, ibid., page 3, paragraph 5, number 59. Escobedo. But it may be better to say here that the confessor should not be announced, because then he would truly have been tempted, not tempting, according to what was said in number 684.

[*Latin ed. p. 523*]

Question IX. Whether the confessor must be denounced who, through deceit with a penitent, simulates confession in order to engage in dishonest

acts. Palotius denies this in page 8, number 2, firstly because such an action would involve mutual solicitation; secondly, because the penitent themselves would be obligated to denounce themselves. However, Salm, ibid., number 64, correctly affirms this, along with Dian and others, because at that point, true solicitation is already present on the part of the confessor, and the penitent is not obligated to denounce themselves by making the denunciation, but only to report the words and actions of the confessor. And this has been expressly defined today in the bull of Benedict XIV, which begins with "Sacramentum," (at the end of the work), where it is prescribed that the denunciation must be made, even if there is mutual solicitation; for it is prescribed that the confessor who solicits must be denounced, even if the priest lacks the jurisdiction to validly grant absolution, or if the solicitation is mutual between the confessor and the penitent, whether the penitent consents to the solicitation, or gives only the slightest indication of consent, or if a long time has passed since the solicitation itself.

688. — Question X. Whether a layperson, or one who is not a priest, who solicits in confession, simulating being a confessor, must be denounced. The answer is affirmative, as stated by Salm, book 21, chapter 4, page 3, section 2, number 27, and Roncaglia, book 3. The reason is that, although such a person is not to be denounced on account of the solicitation itself, according to the bull of Gregory XV, they must nevertheless be denounced according to another constitution of Gregory XIII, cited by Salm, number 27, where it is prescribed that anyone who is not a priest and hears confessions sacramentally must be denounced. However, is it necessary for such a non-priest to be denounced not only if they have heard a confession, but also if they have granted absolution? From the words of the aforementioned bull of Gregory XIII, as related by Salm, it seems sufficient that they have only heard the confession, since it is stated there that the Inquisitors of the Holy Office must proceed against non-priests who celebrate Mass, or who hear confessions sacramentally. But Palotius, part 9, number 5, Mazzola, page 437, Potestades, page 490, and Escobar, number 685, along with Acuna and Sancio, maintain that it is absolutely necessary that they also grant absolution, since it is stated in the edict of the Holy General Inquisition that he must be denounced who, not being a priest, administers the sacrament; but it is not considered that the sacrament of penance is administered by one who does not grant absolution. But, notwithstanding this, from the aforementioned edict (which is fully quoted by Potestades, volume 2, part 4, number 226), it is certainly necessary to denounce such a person, even if they do not grant absolution, since it is stated there that those who are to be denounced, as suspected of heresy, are: "Those who, not being ordained priests, have dared to celebrate Mass, even without uttering the words of consecration, or have presumed to administer the Sacrament of Penance to the faithful of Christ, even if (note) the form of absolution has not been used." Likewise (1) "That is to say: Those who, not being ordained priests,

have attempted to celebrate Mass, even without uttering the words of consecration, or to administer the Sacrament of Penance, even if (note) they have not even pretended to use the form of absolution."

[*Latin ed. p. 524*]

It is certain, from the bull of Benedict, that a priest who solicits a penitent in confession must be denounced, even if he lacks jurisdiction (as we saw above in Question preceding). 689. — Question XI. Should a penitent who solicits a priest in confession be denounced? Some few, apud Salm., assert this (ibid., n. 29). But, generally and more truthfully, Bonac. denies it (p. 3, n. 20), as do Diana (p. 1, tr. 4, r. 23), Pal. (p. 9, n. 7), and Salm. (i. c.), along with Trull., Bord., Sousa, Acunna, Sancio, and Leand. The reason is that penal laws are not to be extended case by case. Nor does the same reasoning apply to a penitent as to a confessar who solicits, due to several reasons which are clear to everyone, and precisely because of the suspicion of revealing the seal of confession, if the confessar were to denounce the penitent. 690. — Question XII. Should a priest who acts as an interpreter be denounced if he solicits a penitent? The first opinion affirms this, and Freita, Trimarch., and Escob. hold this view. The reason is that the interpreter performs both the duties of the penitent and of the confessar, and therefore, like the confessar, he inflicts an injury upon the sacrament. The second opinion, however, is the most common, and is held by Pal. (p. 9, n. 6), Potesta (num. 489), Holzm. (t. 1, p. 341, n. 674), Mazz. (Diana, r. 9), Escob. (n. 694), along with Fag., Sousa, Sancio, and Salm. (tr. 21, c. 4, p. 3, §. 2, n. 26), along with Trull. and Leand., and the common opinion. The reasons are: 1. That the interpreter is more on the side of the penitent than of the confessar. 2. And, more importantly, that, according to the bull of Gregory XV, only confessars who solicit are to be denounced, as we have said, and that penal laws are not extended beyond the cases expressly stated. Nevertheless, the Council (n. 5), Potesta (loc. cit.), Escob. (n. 694), along with Fag., and Diana (p. 9, tr. 9, r. 32), along with Leand., note that, although, according to the bull of Gregory XV, an interpreter who solicits is not to be denounced, he must nevertheless be denounced according to the edict of the Holy Inquisition cited above (n. 680), where all who are suspected of heresy are to be denounced, and among such suspected individuals are those who abuse the sacrament of penance, using confession or the confessar for dishonest purposes; who solicit penitents to commit sins, and who have conversations with them about illicit matters, and matters not pertaining to the purpose for which the sacrament was instituted (1). Therefore, an interpreter should certainly be denounced if he already abuses the confession of a penitent in order to solicit him, or to speak with him about dishonest matters. 691. — Question XIII. Should a confessar be denounced if he solicits a penitent in order to induce a woman to sin with him? Acunna and Freita (ap. Pal., p. 5, n. 2) believe it is probable

that he should not be denounced, according to the decrees of Pius IV and Clement VIII (1).

(1) That is: Those who abuse the sacrament of penance, using confession or the confessar for dishonest purposes; who solicit penitents to commit sins, and who have conversations with them about illicit matters, and matters not pertaining to the purpose for which the sacrament was instituted.

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But, having considered at least the aforementioned bull, there is no doubt today that it must be declared that all priests who, in the confessional, have attempted to entice persons to dishonorable acts, either with themselves or with others in any way, must be reported. But is the confessor who entices the penitent to consent to sin to be reported, not to himself, but to another? Formerly, a few, including Escobedo, number 644, and others, considered it not necessary to report such a case, but today it is certain that the opposite is true, since Benedict XIV, in the bull *Sacramentum* (cited, number 687, Question IX), has defined that such a confessor must be reported in all cases, even if the enticement was carried out not for his own sake, but for the sake of another person. 692. — Question XIV. Are confessors who entice to be reported, even after they have departed this life? Salm affirms this in *Tractatus*, 24, chapter 4, page 4, paragraph 4, number 74. But Potestades denies it, number 595, because then the total purpose of the law ceases, namely both the amendment and the punishment of the offense. Roncaglia says the same thing in chapter 2, question 4. However, Bena rightly notes, along with Bordoni and Carenzio, that formal heretics must always be reported, even after death, in order to repair at least the damage caused by them. § III. Who are obligated to report? 693. Can a woman who has been enticed be absolved before she reports the matter? And, after the report has been made, can any confessor absolve from excommunication the confessor who contracted it due to the neglected report? 694. Is the confessor always obligated to warn about the obligation to report? 695. Question I. Are those obligated to report who cannot prove the report? And those who know of the enticement from another source? 696. Question II. Is there an obligation to report if the crime is hidden? 697. Question III. If the enticement has occurred over a long period of time? 698. Question IV. Is one obligated to report if he knows of the enticement under a vow of secrecy? 699. Question V. Is there an obligation to report by letter, or by messenger? And is the confessor ever obligated to receive or carry the report? 700. Question VI. Is the woman obligated to report who has consented to the enticement? 701. Question VII. Is there an obligation to report if it is hoped that the enticer will be reformed through correction? 693. It must be noted that I. those who have been enticed cannot be absolved unless they first report the matter; and if there is an impediment to making the report immediately,

they must at least be prepared to report as soon as possible; otherwise, they sin gravely and incur excommunication. This is stated by Salm in *Tractatus*, 21, chapter 4, page 4, paragraph 4, numbers 59 and 70, along with Navar, Hurtado, Sancta, Sousa, and others in common. Therefore, Pontas' statement, in *Verb. Confessor*, that absolution should not be denied to a confessor who refuses to report the enticing confessor, is highly improbable. However, the penitent can be absolved before...

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The denunciation, if there is a just cause for delaying it, namely if the officials of the tribunal are far away, or if there is a necessity of communicating to avoid scandal, or to take advantage of a jubilee, and if it can be believed that the person is making a denunciation. Thus, Sanch. Dec. lib. 2, c. 13; Suar. de cens. d. 7, sect. 5, n. 38; and Salm. cit. n. 77, in med. With Sanctio, Trimarch. and Leand., it is considered probable (Diana, p. 4, tr. 5, r. 29). In the bull of Benedict XIV, *Sacramentum*, the following is stated regarding this matter: "Confessors must be diligent, lest they administer sacramental absolution to penitents whom they know have already been solicited by others, unless first, having brought the denunciation to fruition, they inform the competent judge of the deliquent, or at least promise and pledge that they will report it as soon as they can." But, after a denunciation has been made, can a penitent be absolved by any confessor from an incurred excommunication? Salm. tr. 21, c. 4, p. 4, §. 1, n. 70; Mazz. t. 3, p. 440; and Diana, dict. r. 29, with Sancio and Potest. n. 641, with Bordono, deny this, based on the edict of the Sacred Inquisition, cited below. However, Lupus affirms (p. 4, l. 5, art. 3, p. 90) (to which the Council adheres, p. 449, n. V), because, as he says, "the reservation of this censure only persists during contumacy, and therefore it expires after a denunciation has been made, or after the person has died"; and Lupus infers this from the words of the edict, which are usually: "From this excommunication, no one will be absolved, unless by us, or by the supreme Tribunal of the Holy Office, unless he has first satisfied the Holy Office." (1) And indeed, considering the aforementioned words, the opinion of Lupus seems quite probable. But it should be noted here that if someone unjustly accuses, or suggests accusing, an innocent priest of solicitation, he would incur a papal reserved case, but without a censure, as stated in the bull of Benedict XIV, *Sacramentum*, dated June 1, 1741 (which is given in full at the end of this work), where §. 3 states: "Whoever is stained by this abominable crime, either by themselves, by impiously calumniating innocent confessors, or by wickedly causing it to be done by others... through impious persuasions, or promises, or flatteries, or threats, or in any other way, etc." However, Salm. in Append. de bulla Cruc. tr. 6, c. 6, p. 4, §. 1, n. 231 and 232, point out that this should be understood as referring to an effective persuasion, so that it is the cause of the unjust denunciation that follows. They add (cit. n. 232,

in fin.) that it should be understood unless the persuasion is effectively revoked before the denunciation is made. However, this would proceed according to a particular edict of the Inquisition of a certain kingdom, but in the edict issued by the Sacred General Inquisition on January 3, 1623 (given in full by Diana, p. 4, r. 41, and by Bon. de denunt. t. 2, in fine, p. 2, n. 42), it is absolutely stated that heretics, or those suspected of heresy in any way, must be denounced within 42 days, under (1) That is: From this excommunication, no one will be absolved, unless by us, or by the supreme Tribunal of the Holy Office, unless he has first satisfied the Holy Office. Edit.

[*Latin ed. p. 527*]

With the greater excommunication reserved to the Pope and to the same Tribunal. However, Bonaventure, in the aforementioned work, with Suarez and Sanctorell, states that this edict was not perpetual, but only for that specific instance, as it states: "We command that within 12 days, to be counted from now, etc." Therefore, these authors argue that the phrase "to be counted from now" indicates that the Holy Office did not intend to obligate those who were aware of the wrongdoing in the future; otherwise, it would have said "from the day of knowledge." However, Diana, page 4, treatise 5, section 41, with Peyrin, believes that the edict was perpetual, and that "to be counted from now" should truly be understood as from the day of knowledge of the crime. However, it should be noted that the same Holy Office subsequently issued another edict on March 10, 1677 (as reported by Potesta), in which it imposed excommunication against those who did not report suspected heretics, but without mentioning any reservation, stating: "We command, under pain of excommunication, that within a month, all those of whom one knows, or has known, or will know, to be heretics, or suspected of heresy, must be reported to the Holy Office, or to the Ordinaries." Given this, it seems to me, and to other learned individuals I have consulted, that either the first edict was not perpetual, or that it is more likely that the Holy Office, in this second edict, as it moderated the obligation of the first edict to report within 12 days, extending it to a month, also moderated the first edict by removing the reservation from the excommunication. However, this must always be understood, if the reporting has already been completed.

694. — Second Precept, with Roncaglia, chapter 2, Rule 5, which states that even if the confessor foresees with certainty that the confession will not be reported, he must nevertheless warn the penitent of his obligation, and he must absolve him if he refuses to report. The reason is that the confessor is expressly commanded by the Pope in the aforementioned decree to warn; and although, in general terms, if the confessor foresees that the warning will be ineffective, he should omit it: this does not apply when it is a matter of avoiding common harm, as is the case here, according to number 645.

695. — It is asked: Is the confessor obligated to report the penitent who is soliciting, if he cannot legally prove the solicitation? Turrian and Turreblanca deny this. But it must certainly be affirmed, with Bannus, 2, 2, question 76, Bordoni, volume 4, chapter 30, number 400, Palafox, point 10, etc. And the opposite seems expressly condemned by Proposition 5, promulgated by Alexander VII, which stated: "Although it is clearly known to you that Peter is a heretic, you are not obligated to report him, if you cannot prove it." But is one obligated to report not only the solicited, but also those who certainly know about the solicitation from another source? Salm, treatise 24, chapter 4, page 4, section 1, number 68, with Trull and Diana, correctly affirms this.

(1) That is: "We command, under pain of excommunication, that within a month, all those of whom one knows, or has known, or will know, to be heretics, or suspected of heresy, must be reported to the Holy Office, or to the Ordinaries."

[*Latin ed. p. 528*]

Palazzo, Suarez, and Hurtado. And this, even if the person is underage, provided they are of sound mind and are informed of the crime by persons of reputable faith; otherwise, if they learned of it from disreputable persons, or from loose women. Salm, ibid., n. 69. with Cardinal Navarrette. This, however, must be understood not already from the bull of Gregory, but (as Mazzella rightly points out, p. 440, with Potestade and Bonaventure), from the edict of the Sacred Inquisition, where it is stated that one is obligated to denounce a confessor who has learned of, or heard of, someone being solicited. See the words quoted in n. 680, in fine. 696. — Question II. Is there an obligation to denounce those who solicit, even if the crime is hidden? Fagius, Megalos, and others, according to Salm, ibid., n. 80, deny this, because Gregory XV, in the bull, speaks of abuse, using the word "abundant," which signifies the frequency and publicity of actions. But it must certainly be held to be the opposite, as stated by Salm, ibid., §. 2, n. 84, and by Bannitus, Fillius, Trullius, etc., ibid., as held by St. Thomas. And rightly, Roncaglia, q. 8, c. 4, qu. 10, says that the first opinion should be completely rejected; because, although in penal laws the words of the law must be strictly interpreted, nevertheless, if from a strict interpretation the law would become useless, as would happen in our case, then the words must be understood broadly, and not strictly. 697. — Question III. Is the one who is solicited obligated to denounce the solicitation that occurred a long time ago? Roncaglia, c. 2, qu. 4, says, with Bordon, that there is never a prescription regarding the crime of heresy; but with regard to other matters, an action against the guilty party is prescribed after five years. Therefore, Roncaglia says, one is excused from denunciation if they omitted it for five years, even culpably; unless contrary decrees of the diocese are presented. But today, Pope Benedict XIV, in the cited decree, declared that

denunciation must be made, even if a long time has passed since the solicitation. 698. — Question IV. Is one obligated to denounce if they know of a solicitation that is under natural secrecy? Fagundes and Fragosa, in Salm, tr. 21, c. 4, p. 4, §. 2, n. 85, deny this, because natural law is stronger than positive law. But the opposite is rightly held by Palazzo, p. 10, n. 5, Diana, r. 32, Escobedo, n. 704, with Sancio and Gaspar Hurtado, and by Salm, in the same place, with Trullius, Leander, etc., because no one is obligated to keep a secret, even one promised under oath, when the secret concerns the common good. Otherwise, they say, if the solicitation was made to seek advice; for the revelation of the secret would then be contrary to human intercourse, and also contrary to the public good, which certainly comes into play when seeking advice. 699. — Question V. Is a woman who is solicited obligated to denounce by letter, or through a third party, if she cannot do so herself? If she cannot personally go to the Bishop due to illness, confinement, or some other physical or moral impediment, she is not obligated to denounce personally. See Potestade, n. 643, and Mazzella, p. 442, q. 2. It is doubtful whether she is obligated to denounce by letter, or through a messenger.

[*Latin ed. p. 529*]

Let it be granted that the following is to be denied, according to what was stated in number 563. Question 3, where we said that one who has a reserved sin is not obligated to request permission from a superior by letter, or through an intermediary, if he cannot personally approach him. But in our case, it is truer to affirm, as stated by Viva in proposition 7 of the condemnation by Alexander VII, number 8; Mazzarelli, loc. cit.; Salm, tractate 21, chapter 4, page 5, number 109; and Roncaglia, page 118, question 5, response 2. For the reason is different between the petition for absolution from reserved sins, and the denunciation of a delict. In the former, there is an obligation to present oneself to the superior, so that the penitent may receive from him, along with absolution, also the due admonitions and penance; therefore, he who cannot approach in person is not obligated to do so through another. But the obligation to denounce the delict is not so much about personally approaching the superior, as it is about reporting or indicating to him the deliquent (as stated by Benedict XIV in his bull). This reporting, if it cannot be done personally by someone, must at least be done by letter, or through another person, or by informing the judge, so that he may send a notary to the person's home; for he who is obligated to an end, is also obligated to the means. Note here that Viva, loc. cit.; Tamburini, chapter 9, section 4; and Roncaglia, Regulations 6, do not state that it is permissible for the confessor to assume the burden of reporting the denunciation in place of the penitent, or to receive it, because in doing so, he would expose himself to many detractions and dangers. And all the more so is he not obligated to do so, and therefore, it does not seem probable to

me what is written by P. Mazzarelli, page 442, question 2, where he says that if the penitent could not make the denunciation through another, the confessor would be obligated to fulfill it in place of the penitent, if he could not denounce it through another: because, as he says, it is a matter of faith. But this reasoning, so concisely presented, is not convincing. He adds that this is derived from a certain letter from the Sacred Congregation to the Archbishop of Milan, with the approval of Urban VIII, in the year 4624, as cited by D'Aranda, where it was ordered that, since a certain woman could not be brought to make the denunciation, the Bishop granted the confessor the faculty of receiving the denunciation. But nothing is proven from this letter; for first, this decree was particular to that case; secondly, it is not at all derived from this that this obligation was generally imposed on confessors. Therefore, for the time being, until it is established that there is such a precept, we are not obligated to deviate from the common opinion of the Doctors, and from the universal sense and practice of all confessors, who do not acknowledge this most onerous obligation. Furthermore, we do not deny, with Viva, loc. cit., and Tamburini, that in some case (for example, if a public harm were threatened, and there was no other way to avoid it), the confessor might be obligated by the law of charity to undertake such a burden; but this rarely happens. Delbene, de Inquisit., page 1, question 9, and the Author of the Instruction, part 2, chapter 14, number 240, state that if a woman greatly resists going to the Inquisitors, she can request a confessor who will report the denunciation for her; because positive precepts do not obligate to a very difficult thing. Also, Mazzarelli, page 443, notes that in the decree of the Sacred Inquisition, mentioned above...

[*Latin ed. p. 530*]

It has also been stated that if the penitent cannot be induced to confess the offense to the confessor, recourse should be made to the Holy See for a suitable remedy, and in the meantime, absolution should not be granted. However, Mazzarelli states that, at times, the Holy See has responded in cases of great shame and panic, granting the confessor the power to absolve the penitent concerning the obligation to confess the offense.

700. — Question VI. Is a woman obligated to denounce the confessor who solicits her, to whom she has consented? Suarez, Megala, and others, according to Salm, argue against this (tr. 21, c. 4, p. 4, §. 4, n. 65), because no one can be obligated to reveal their own crime, as Salm states (ibid., c. 3, p. 9, §. 2, n. 104). However, Suarez, Cajetan, Trull, and Diana, based on the rule of law in canon "Quis aliquando, de pænit.", d. 4, state: "I do not say that you should betray yourself." It is impossible for one to reveal a complice without betraying oneself; therefore, Salm argues that there is no obligation to denounce a heretical accomplice (l.c.). However, Salm correctly states that a woman is obligated to denounce the soliciting confessor (ibid., c. 4, p. 4, §. 4, n. 66), as do Bonaventure, Trull, Peyrin, and many others. This

has also been defined today by His Holiness Benedict XIV in the cited bull, "Sacramentum," where it is prescribed that denunciation must be made, even if the penitent has consented. The reason is that, in this case, a woman can denounce the soliciting confessor without endangering her reputation, since she can also deny her own consent and whatever may follow from it, as stated in the decree of the Holy Office, cited by Pitton (n. 694), published on September 27, 1724, where it is stated: "If a woman consents to the soliciting confessor, she is not obligated to reveal her consent; nor can she be questioned about this by the Bishop."

704. — Question VII. Is the penitent obligated to denounce the soliciting confessor, if there is a moral hope of his amendment through correction? The first opinion denies this, and St. Thomas taught this (2-2, q. 33, art. 7), stating: "If a heretic secretly turns people away from the faith..., it is necessary to proceed immediately to denunciation..., unless someone firmly believes that this evil can be prevented immediately through a secret admonition." Soto, Canus, Led. Pal. Lugo, Sylvest., and others, according to Salm (tr. 21, c. 4, p. 4, §. 3, n. 96), followed this view. And, in regard to the crime of solicitation, Fagund, Peyrin, and others, according to Diana, defended this opinion (r. 2). The second opinion affirms the truth, and Mazzarelli (p. 440), Council (n. 17), and Salm (ibid., n. 99), along with Azor, Sanch., Diana, Leand., and many others, hold this view. And this is certainly the view to be held today, after the decree of Alexander VII, issued on July 8, 1660 (extensively cited by Salm, c. 3, p. 9, §. 4, n. 102), where (§. IV) it was declared: "Even if no fraternal correction or other warning has preceded, it is absolutely necessary... (for the faithful) to denounce... those whom they know to be, in any way, even slightly suspected of lacking faith, such as soliciting confessors."

[*Latin ed. p. 531*]

As is commonly taught by Diaconus, Rule 41; Bona, page 3, number 28; and Escobar, number 746, along with the Trullan Council, Acuna, Menoch, etc. Therefore, when the Pontiff says, "even if," he implies that denunciation should always be made. § IV. Concerning doubtful solicitations. 702. Question I. Should the confessor be denounced if there is doubt whether he has been solicited? What if there is vehement insistence on the solicitation? 703. Question II. Should the confessor be denounced who praises a woman for her beauty? Or who gives her a large gift? 704. Various specific cases of solicitation are discussed. 705. Concerning the penalties for those who solicit, and specifically, the penalty of suspension from celebrating the sacraments; and whether this penalty is incurred before a sentence is passed? And whether those who are ignorant are excused from it? And whether Bishops can grant dispensation in this matter? 702. — QUESTION I. Should the confessor be denounced if there is doubt whether he has been solicited? It is necessary to distinguish: if a certain act or word constitutes

a true solicitation, and only doubt exists as to whether that act or word was committed or said by him, or by another confessor, then, as Salmasius teaches in Tractate 21, chapter 4, page 4, paragraph 2, number 93, along with Sousa and Hurtado, it should be denounced, because when the crime is certain, the judges can properly proceed to investigate the person about whom there is doubt. However, I believe this should only be said in the case where the judges can easily, through their diligence, be certain of the person who is soliciting; because otherwise, that priest, who may be innocent, would remain somehow defamed, and in doubt, the good reputation of the neighbor who possesses it should be preserved. If, however, the person of the confessor is certain, and there is doubt whether his act or word constituted a true solicitation, then, with a more common and more accurate opinion, it should be said that there is no obligation to denounce. Thus, Bona teaches, page 3, number 5; Roncaglia, chapter 1, question 4; Council of Trent, number 16; Bordon, in Potest, number 576; the Author of the Instruction, etc., page 2, chapter 14, number 287, along with Bossuet and Salmasius, ibid., number 94, along with Valentia, Hurtado, and Salas (contrary to Sousa and Peyrere, cited by Diaconus, Rule 25). The reason is: first, because doubts are to be interpreted in the best possible way, and a more benign interpretation is to be given to ambiguous words, as taught by Bona, Menoch, and Rinaldus, cited by Roncaglia, from chapter 49 of the "De Transactis et Regiis Juris," in which it is stated: "In penalties, a more benign interpretation is to be given"; second, because in doubt, no one should be deprived of the good reputation that he possesses; third, because the Bulls command that those who solicit be denounced; but it cannot be said that someone who is soliciting is to be denounced if there is doubt whether he truly solicited; for a doubtful crime is not a crime, as taught by Sanchez, Decrees, book 1, chapter 10, number 74, and by Suarez, in 3rd part, tome 5, division 40, section 6, number 5. It does not contradict this to say that, according to the decree of Alexander VII, even those who are lightly suspected of heresy are to be denounced; for "lightly" does not refer to suspicion, but to heresy, of which someone may be lightly or vehemently suspected.

[*Latin ed. p. 532*]

It must, however, be excepted that: 1. As stated in the Decrees and Canons of the Councils of Trent and Roncaglia, as well as in the work *Instructio*, chapter concerning secret sins, and by Bossio, if there are strong indications of solicitation; for although these are not entirely conclusive evidence, yet, when they are present on one side, they provide sufficient moral certainty of solicitation. 2. As stated by Bona, in the aforementioned work, who cites Acuna and Sanctarel, if the words spoken by the confessor refer to himself and suggest solicitation, and it is only doubted whether the confessor uttered them with the intention of leading

the penitent to sin; then the presumption is drawn from the circumstances. Furthermore, the presumption regarding the intention of the confessor must be taken according to the meaning of the words, as is stated in chapter *Perniciosum*, question 2, paragraph 18, that a conversation with a woman is usually understood to be intended for evil.

703. — Question II: Should the confessor be denounced who praises a woman for her beauty? Potest, number 554, Bona, Tancredi, and Peyrin affirm this; as do Acuna, Barb, and Sanctarel, in Escobar, number 638. Diana agrees, page 9, volume 9, response 32, if such praise is given without any occasion, because, as a rule, harlots praise women for their beauty in order to entice them to sin. Freita, Thom, Hurtad, and Sousa, in Escobar, number 639, deny this, arguing that he who praises a woman for her beauty with appropriate words is not considered to have engaged in improper conduct with her. However, Escobar himself makes a better distinction, stating that if it is determined from the manner of speaking or other circumstances that the confessor is praising the woman's beauty out of a wicked intention, then he should be denounced; otherwise, if he praised her out of some imprudence or levity of mind. Furthermore, it is asserted, as a certain principle, in Potest, number 554, in conclusion, that the confessor should be denounced if he praises the beauty of the lady while the servantess confesses, and asks her to tell the lady about it; but even in this case, I believe that the circumstances must be considered, although I think that in this case there is a stronger indication of a wicked intention to entice the lady to an improper affection. The same applies if the confessor gives a penitent a gift of great value, as stated by Diana, page 9, volume 9, response 34, with Escobar, or an unusual gift, as stated by Salm, volume 21, chapter 4, page 3, paragraph 3, number 34, in conclusion, with Val. Hurtad, Prado, etc. However, Bordonus, in Diana, states that a gift is something indifferent; therefore, the aforementioned authors rightly conclude that the evil intention must be inferred from the circumstances, namely, from the condition of the penitent, from the quantity and quality of the gift, and from the manner in which it is given, etc. Furthermore, according to what was stated in the previous question, when the words or actions are ambiguous, the confessor should not be denounced unless there is moral certainty of his wicked intention.

704. — Hence, several particular cases are presented in which the common opinion of the Doctors is that the confessor should be denounced. 1. If the confessor says to the penitent: "I would marry you, if I were not a priest"; Bordonus denies this, in Diana, page 9, volume 9, response 32, arguing that these words should not lead to denunciation; because these words do not imply a mortal sin, but only indicate a somewhat improper

affection. However, Salmant, cited above, affirms this.

[*Latin ed. p. 533*]

34. Potest, no. 558, and Diana, loc. cit., because such words appear to be highly suggestive of lust; and since they are irrelevant to confession, they deserve to elicit concern.

2. If he says to a woman: "Remember me, because I love you from the heart," as Diana states in Potest, no. 558, citing the practice of Ronc. However, Bordonus excuses this; I believe it is better to determine this based on the circumstances.

3. If he says: "Wait for me today at your house, because I have something to talk to you about," and then, at home, he discusses improper matters, because that solicitation was made at the house, it is considered morally to have been made during confession: thus, Potest correctly states, no. 559.

4. If he says: "Your sins have caused me to fall into involuntary impurity," all the more so if he says it voluntarily; thus, Potest, with Bordonus, no. 560, and Ronc, ibid.

5. If he says: "I do not want to hear you in confession, lest something happen to me, because I am captivated by love," thus Potest, no. 561. However, this should only be said to a woman requesting confession, because these words appear to be provocative of improper actions, and are uttered on the occasion of confession; and Ronc also believes this in Reg. prax. The same is true if he says: "I feel myself completely moved by the affection with which I pursue you."

6. If a confessor says to a woman who is reporting having repelled a lewd temptation: "But if someone had given you money, would you have sinned?" Ronc affirms that it is to be considered a fault if the woman subsequently responds affirmatively and is not rebuked; or if she is rebuked, and afterward, at home, is solicited with an offer of money. And Potest agrees, no. 588.

7. If he says: "Why are you not human with me?" or says: "I will come to your house, and promise me that you will do what I want." Or, to a woman confessing a lewd desire, he says: "We will deal with this after confession." Thus, Potest, no. 565, with Tancredi, because these words are sufficiently indicative of an intention of an improper nature. But in these cases, the circumstances must be considered, for sometimes they may be solicitations.

8. If he rebukes a concubine for having engaged in relations with another, provided that, with prudent judgment, he makes it clear that the rebuke proceeds from jealousy; or if he goes to excess in reprimanding, adding threats, insults, and the like; or if he rebukes only the sins committed with others, and not those committed with herself, because then he shows his lascivious love. Thus, Potest, nos. 562, 705.

Finally, it should be noted that in the bull of our Most Holy Pope Bene-

dict XIV, which begins, "In Generali Congregatione" (see at the end of this work), it is held that confessors who solicit, in the act of sacramental confession, or on the occasion of, or under the pretext of, confession, incur, in addition to the penalties imposed by law, a perpetual impediment to the celebration of the Sacrifice. The same penalty is incurred by priests who abuse the Sacrifice of the Mass for divination, according to the same decree. However, several doubts arise: Doubt 4: Whether the aforementioned impediment...

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Can the penalties, at least those that are declaratory of the crime, be incurred before a sentence is rendered? In the preceding edition of this work, I affirmed that the privative penalties, which involve a loss of some right, or the cessation of a right already acquired, are, as the Doctors commonly teach, ordinarily incurred before a sentence, according to the words of the law, book 4, number 149. However, a certain pious and learned man, having read this in my work, wrote to me from Rome, stating that two theologians of the Roman Sacred Congregation held the opposite opinion, namely, that a sentence is required for the imposition of this penalty. At first, this opinion did not occur to me; but afterward, having considered the matter carefully, in the same work, number 448, I observed that Suarez, Bona, Salm, with Tapia, Vasquez, Montesin, etc., in the places cited there (to which Eusebius Amort recently assented, book 4, number 448), say that a declaratory sentence is indeed required even with regard to privative penalties, or those that involve a loss of right, in the case where the accused cannot carry out the penalty without incurring his own infamy, as ordinarily happens in our case, if a priest seeking a dispensation must abstain from celebrating for a long time. I say "for a long time," because if he could obtain a dispensation regarding this restriction for a short time, and in the meantime abstain from celebrating without incurring his own infamy, he is bound to abstain.

Doubt 2: Can invincible ignorance excuse from this disability? In this doubt, it seems to me that it can probably be affirmed, according to what is said below regarding irregularity resulting from a fault, book 7, number 351. Navarrus, Sylvestrus, Sanchius, Castropalus, Roncaglia, and others say that, for the imposition of irregularity resulting from a fault, the knowledge of the irregularity incurred is required, because although irregularity is not a censure from which invincible ignorance indeed excuses, but an impediment; nevertheless, such an irregularity resulting from a fault is truly a penalty, or at least has the nature of a penalty, for which, since it is an extraordinary and excessive penalty, and one for which provision cannot be made according to the nature of the thing, the knowledge of the penalty is required; and the same seems to be true in our case of the disability to celebrate, which is undoubtedly imposed as a penalty for seeking a dispen-

sation.

Doubt 3: Can the Bishop grant a dispensation in this disability? See what is said in book 7, number 353, where it is stated that Bishops, according to the decree of the Council of Trent, session 24, canon 6, can grant dispensations in all irregularities arising from fault, except those that involve a contentious matter, except for voluntary and direct homicide.

[*Latin ed. p. 535*]

TREATISE V. ON EXTREME UNCTION, AND ITS ORDER. CHAPTER I. What is Extreme Unction, and what ought to be observed concerning it? 708 What is this sacrament? And was it instituted by Christ? 707 Q. I. Is grace conferred through any partial anointing? Q. II. Is grace conferred when an obstacle is removed? 708 Concerning the remote matter of this sacrament. Does the precept of renewing it annually at Lüngumkloster impose a grave obligation? And can another oil, not blessed, be added to the blessed oil? 709 Should the oil be of olives, and should it be blessed? Doubt 1. Is a blessing required of necessity for the sacrament? Doubt 2. Should it be blessed specifically for Extreme Unction? Doubt 3. Can this blessing be conferred by the Pope upon a simple priest? Doubt 4. Is it sufficient to anoint with a single drop of oil? 710 Concerning the proximate matter. Is the anointing of the five senses necessary for the sacrament? Is the double anointing of the eyes, etc., necessary? And is the anointing of the loins, and the feet, necessary? Is the order of anointings necessary? And what pertains to the essence of this sacrament? 711 Concerning the form. Doubt 1. Must the form be entirely deprecatory? Doubt 2. Are the words: "Through His most pious mercy," essential? Doubt 3. Is the form valid by saying: "I anoint you, etc.?" 712 To whom is Extreme Unction to be administered? 713 Doubt 1. Is it validly administered to a healthy person? Doubt 2. Is it administered to a sick person suffering from any illness? Doubt 3. Is it administered to a woman in labor? 714 Doubt 4. Is it licitly administered when only danger is suspected? Admonition 1. The extreme part of life should not be awaited. Admonition 2. It is not licitly administered unless the danger of imminent death is present. What is to be done in case of doubt as to whether the danger of death is present? 715 Doubt 5. Can this sacrament be repeated in the same infirmity? 716 What disposition is required in the recipient? And is Extreme Unction to be given after Viaticum? 717 Is it to be administered to children? 718 Doubt 1. Are infants capable of this sacrament? 719 Doubt 2. Is it to be given to children, concerning whose use of reason there is doubt? 720 Doubt 3. Can it be given to a child of sufficient age, but not yet fit for Communion? 721 Doubt 4. Can it be given to an adult who is infirm immediately after Baptism? 722 Concerning the minister of this sacrament. Can any priest administer it, presuming the consent of the parish priest? What is the rule concerning religious? 723 What, if the pastor is absent, or refuses to administer it? And what, if he is excommunicated, or suspended?

724 Is it licit to administer this sacrament without a minister? And can one administer it to another?

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Should another part be anointed? Can only a priest administer this? What if the minister fails during the anointings? Does the priest incur irregularity if the sick person dies while being anointed, etc.? Regarding the administration of this sacrament: Is it permissible to administer it sometimes without sacred vessels? What sin is it to omit the prayers, or other prayers? What is it to bring the oil without a lamp? And what is it to omit the sign of the cross? And is it permissible for a priest to bring the oil along with Holy Communion? Is the pastor obligated to administer this sacrament to those who request it, even if their life is in danger? Are other priests obligated to administer it? Is it permissible for a parish priest to keep the oil at home? Regarding the effects of this sacrament: Are mortal sins remitted through Extreme Unction? And is its principal effect the remission of sins, or the remission of the temporal consequences of sin? Regarding the subject of this sacrament: Are the dying capable of receiving it? Are the intoxicated capable? Are the impenitent, excommunicated, and those wounded in the flesh capable? Are those suffering from madness capable? Are the mute, deaf, and blind from birth capable? Does one sin gravely by neglecting to receive this sacrament?

RESPONSE 4: It is a sacrament instituted by Christ to confer grace upon one in mortal danger, for the salvation of the soul, or even of the body, through the anointing with blessed oil, and the prayer of the priest. St. Thomas, Summa Theologica, IV, d. 23, q. 1, art. 4. It is defined as a true sacrament by the Council of Trent, Session VII, chapter 4. It was instituted by Christ after the Resurrection, as held by Suarez, Layman, etc., with Salm, Tractatus, VII, chapter 4, page 4, number 3, and promulgated by St. James, chapter 5, verses 14 and 45, where it is said: "Is any man sick among you? Let him bring in the priests of the church and let them pray over him, anointing him with oil in the name of the Lord." And the prayer of faith will save the sick man, and the Lord will raise him up; and if he has committed sins, they shall be forgiven him. It is also certain that this sacrament is one; although there may be multiple anointings, all pertain to one and the same interior meaning.

QUESTION 1: Is a partial grace conferred through any anointing? Elbel, De Extrema Unctione, number 30, and Sporer, number 68, agree with Scotus, Pontius, and Mastrini, and Crocius, loc. 6, p. 2, number 2105, along with Suarez, Concil. Layman, and Sotus, Palud. Med., etc., because any anointing, with its form, already signifies grace independently of other anointings. But this is denied by the common opinion of St. Thomas, Supplement, question 30, article 4, ad 3, where it is said: "And grace is infused in Extreme Unction." Wigandt, Tractatus, 14, number 409, and Salm, Trac-

tatus, VII, chapter 3, page 2, number 7, follow him, along with many others, who say that no anointing in itself is a sacrament, nor even a partial one, and therefore no habitual grace is conferred until the Extreme Unction is completed with its form; at the end of the Extreme Unction, the remission of sins and penalties is conferred simultaneously, and special helps annexed to grace are not conferred except at the opportune time. Salm, ibid., numbers 8 and 9. Both of these opinions are probable.

QUESTION 2: Can this sacrament be validly and lawfully administered in such a way, that...

[*Latin ed. p. 537*]

How is grace conferred when an obstacle is removed? The common opinion of Suarez, Valois, Henry, Paludanus, the Council of Palatine, and others, with Salmeron, ibid., p. 3, n. 40, and Croix, l. 6, p. 4, n. 202, agree. See the discussion on the Sacraments, l. 6, n. 6, v. Note 4. From this, Salmeron, with others, infers that if a sick person receives the sacrament in mortal danger in good faith or without the use of his senses, it is sufficient for him to experience contrition afterward to receive grace; otherwise, if he receives it in bad faith. This applies if the obstacle is removed, and the same illness and danger persist; at least with regard to the effect of the special helps, as Suarez and the Council of Palatine state, apud Salmeron, l. c., 708-4. The material is blessed oil, which is marked with the letter "I" in the chrismal pyx. It is not permissible to use chrism that lacks this mark: however, Layman teaches that if it has not been used, it should not be renewed, l. 5, tr. 8, c. 2, n. 3, and it must be renewed annually at the Lord's Supper, burning the old oil. (And this is according to the decree of Clement VIII, apud Salmeron, ibid., c. 2, p. 4, n. 44, and Paludanus, c. 2, n. 45, and the Roman Ritual, which says: "The oil for the sick... must be renewed each year... at the Lord's Supper..., burning the old oil.") Whether this precept is binding under a penalty is denied by Escobar, l. 22, n. 81, along with Salazar, Ledo, Henry, and others, because it is not certain that this precept is subject to a penalty, unless it is only for the chrism itself, as is stated in c. If anyone, concerning consecrations, d. 4. But Bonaventure affirms, p. 2, n. 3, Paludanus, l. c., Croix, l. 6, p. 4, n. 42, along with the Council of Trent, Possevin, and Zambrini, apud Escobar, n. 79. The reason is that the material seems to be sufficiently important, and such is the common practice of the Church. "However, if a new supply cannot be obtained, the old supply may be used," Layman, l. c. (And so Salmeron, tr. 7, c. 2, p. 4, n. 44, at the end, with Dianus and Aversa, from the Declaration of the Sacred Congregation, apud Gavant.) "And if this is not sufficient, another consecrated oil, or even one that is not consecrated," may be added, "in a smaller quantity than the old oil." (This is from the Roman Ritual, which says: "However, if, perchance, within a year... the oil is so deficient that it seems insufficient, and if another consecrated oil cannot be obtained,

it can be replenished with a small amount of unconsecrated oil, added in a smaller quantity.") "Although Dianus, p. 6, t. 6, v. 44," says, "with others," that the Church has a different practice; namely, that gradually, by turns (if necessity requires it because of the number of the sick), even a larger quantity may be added than that which was initially consecrated by the Bishop. Bonaventure, d. 7, q. 4, n. 8, from Possevin. (And this is what Croix says, n. 2093, is certainly permissible by the practice of the Churches, from the Declaration of the Sacred Congregation, apud Cardenas, and as is gathered from c. Concerning doubtful matters, concerning consecrations of the Church, according to what is said in this l. 6, n. 368, so that the part of the oil that is now poured out is less than the part into which it is poured. However, Roncaglia rightly says, q. 2, v. 4, that it is not to be permitted except in a case of necessity.) It is certain that this oil for the sick must be of olive oil, because, by common usage, the term "oil" properly refers to it; so it is stated by the Doctors, with Salmeron, ibid., num. 4, and Petrocannus, t. 4, de Extr. Unct. q. 2.

[*Latin ed. p. 538*]

It is clear from the Decree of Florence, as cited by Sporer, Supplement, page 220, number 64, that for this sacrament, olive oil blessed by the Bishop is designated as the material. It is certain, among all, that this oil must be blessed by necessity of precept. However, it is questioned: Does the oil for the sick necessarily need to be blessed for the sake of the sacrament? The first opinion denies this, and this view is held by Juenin, question 3, chapter 4; Natalis, *De Alex.*, chapter 2; also Cajetan, Maldonatus, and Sambov, in *Controversiae Turonenses*, treatise on extreme unction, chapter 3, article 4, conclusion 2, numbers 8 and following, who state that the Council of Florence, as mentioned above, and the Council of Trent, session 14, chapter 4, do not object, where it is also stated: "For the Church has understood that the material of Extreme Unction is oil blessed by a Bishop." Because, they say, although oil is designated there as the material, it is not defined as being of the essence that it be blessed by a Bishop. The second, and more common, opinion affirms this, and this view is held by St. Thomas, Supplement, question 29, article 5; Council of Trent, volume 40, number 5; Peter of John, question 4; Salmeron, treatise 7, chapter 2, page 4, number 2; Scotus, and others, as cited by Sporer, in the same place. The reason is that the Councils have spoken dogmatically on this matter, and have declared that both are required for the validity of this sacrament. It is questioned: Must the oil necessarily be blessed in order for Extreme Unction to be valid? Suarez, volume 4, division 39, section 4, number 9, and Layman, chapter 2, number 3, and Henry, chapter 8, number 2, deny this, because it is truly oil blessed by a Bishop. However, Palause affirms this, page 2, number 5; Holzmüller, page 242, number 7; also Bellarmine, Valentia, Barbosa, Aversa, etc., as cited by Salmeron, in the same place, number 9, because, just as the chrism is

designated for the sacrament of Confirmation by the blessing of the chrism, so the oil for the sick is designated for the sacrament of Extreme Unction by the blessing of the oil. Both opinions are probable, so the first cannot be applied in practice, except in a case of necessity, when the oil for the sick is lacking; then Extreme Unction can be administered with chrism, or with the oil of catechumens, under the condition, as they rightly say, Viva, article 4, number 2; Roncaglia and Croix, volume 6, page 2, number 2090. And if the oil for the sick can be obtained later, the sacrament must be repeated, as Viva and Croix state in their works. Also, as prescribed by St. Charles Borromeo, *Acta Mediolanensia*, page 4. It is questioned: Can such a blessing be conferred by a simple priest? Palause, page 2, number 3; Suarez, division 40, section 4, number 4; Bellarmine, Layman, etc., as cited by Salmeron, in the same place, number 6, deny this. But Holzmüller, number 5; Peter of John, question 4; Roncaglia, page 420, question 2; Council of Trent, number 6; and Benedict XIV, *De Synodo*, volume 7, chapter 16, number 4, affirm this, based on the decree of Clement VIII, who declared that the sacrament of Extreme Unction conferred by Latin priests upon Greeks, with oil blessed by those same priests, is valid, as we said regarding Confirmation, number 163. It is questioned: Is it sufficient to administer this sacrament with a single drop?

[*Latin ed. p. 539*]

Oil? Suarez denies this in d. 40, sect. 2, n. 4, and Fill. Reg. Trull. Gran. etc., as cited by Escob. l. 22, n. 82, because (as they say) anointing properly consists in spreading oil over the parts. However, Escob. n. 84, along with Dian. Tanner, Hurt, and Croix n. 2094, and Dic. and Aversa, affirm that it is commonly necessary to anoint all parts; because he who anoints with a single drop of oil is truly anointing, provided that the oil is spread more than other liquids. This opinion seems more probable to me; but since the first is not improbable, at least it should be followed in practice. Regarding the value of the sacrament, Salm. c. 2, n. 12, along with Dicast. and Aversa, correctly state that it suffices to dip the tip of a finger in oil and anoint.

710. — 2. The material is the anointing of certain parts of the body, at least those pertaining to the five senses; or, if those are mutilated, the neighboring parts, performed by a priest: not simply by immediate contact of the hand; for when a plague is raging, he can use a long rod dipped in oil, which he will then burn. Sylv. Chapeavill. Dian. V. Dian. p. 3, t. 4, r. 197. (Similarly, Wig. n. 107 and Escob. n. 93 probably state this, adding that if it is done without necessity, it will not be mortal.) Some Doctors also believe that only one anointing is essential to the sacrament; therefore, in danger of plague, and in a similar necessity, it suffices to anoint only one of the more exposed organs, or rather the head, saying: "Through this, whatever you have done amiss through sight, hearing, taste, smell, touch, etc." Indeed, for this opinion, various Pastoralia, Agendæ, and the Doctor of Louvain, Sylv.

in 3 parts, q. 32, art. 2, Laym. lib. 5, tr. 8, cap. 3, are cited, who considers it not entirely improbable; Tann. and Marchant in Horto Pastorum, who consider it entirely probable, and in practice customary, Dian. p. 3, t. 4, r. 108, who says it is safe in practice, citing p. 8, t. 1, r. 21, Gran. Amic. Aversa affirms that the Pope can permit this; and finally, Escob. citing Becanum, c. 25, q. 7, n. 6, and Barbosa in Trid. sess. 14, c. 4, permits this. However, since other Doctors commonly object, it will certainly be safer (as Laym. and Dian. suggest) in such a case to quickly anoint one eye, one ear, one hand, and one mouth, without the form of the cross, saying that this form encompasses the rest. It is certainly certain that anointing the feet, or the kidneys, is not essential; indeed, as far as the kidneys are concerned, it is not seemly, especially in women and religious men, and is therefore often omitted. Henr. Sa, Tol. Suar. Bellarm. cap. 10, in fine. The question arises whether the anointing of the five senses is of necessity for the sacrament? The first opinion denies this, and says that a single anointing suffices for the value of the sacrament. Thus, Merbesius t. 2, p. 265, q. 19, Natal. ab Alex. c. 5, Tourn. t. 9, p. 396, also Sylv. Becan. and Molf. as cited by Salm. c. 2, n. 48. And it is rightly considered probable by Holzm. n. 10, Ronc. q. 2, r. 2, Elbel n. 25, and Laym. Con. etc. as cited by Salm. The reason is,

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Because from St. James, a simple unction is prescribed, anointing with oil. Also, in the Council of Trent, session 14, chapter 1, there is mention of only one unction, this sacred unction, etc.; from which it is inferred that it suffices if a person is anointed in only one part, so that he may be said to be anointed. The second opinion, however, which is more common and safer, and which is held by Laym, chapter 5, number 7; Pal, page 3, number 6; Elbel, number 25; Holzm, number 40; with Suarez, Soto, Henry, and Salm, number 49, with St. Bonaventure, Bellarmine, Valentia, Concordia, Bonaventure, etc., from St. Thomas, Supplement, question 32, article 6, who teaches that the unction is for the five senses, as if it were a necessary part of the sacrament. The reason is that, although the words of St. James and the Council of Trent do not mention multiple unctions, it is nevertheless inferred from the practice of the Church and from the common sense of theologians. Therefore, the aforementioned authors rightly say that, only in times of plague, or other urgent necessity, can a single unction be applied to one of the senses (and more fully in the chapter), as Benedict XIV says in *De Synodo*, book 7, chapter 48; Busembach, as above. Then, Tournhem says that it suffices to say: "May God forgive you whatever sins you have committed through the senses," as is found in the Parisian Ritual. But others, as Busembach says shortly below, number 3; Holzm; Elbel; and Salm, chapter 2, number 32, with Angles, Nugno, and Leand, require that the five senses be expressed, namely, whatever you have done wrong through sight, hearing, taste, smell, and touch. But it will be better to say: "Through

this holy unction, may God forgive you whatever you have done wrong through the senses, sight, hearing, taste, smell, and touch." It is advisable to preface this with the word "wrongdoing," as Salm rightly notes in the cited passage, with Aversa, because if "wrongdoing" is said at the end, and the sick person dies in the meantime, there is no sacrament. But if the sick person recovers, then Croix rightly says, number 2421, that the unctions should be repeated in each case, adding the omitted prayers. The Roman Ritual prescribes: "If the priest doubts whether the person is alive..., he should proceed with the unction conditionally..., saying: 'If you are alive, through this, etc.'" It is certain, however, that it is not necessary for the sacrament to apply a double unction to both parts, for example, to both eyes, ears, etc., as rightly say Roncaglia, question 2, reply 2; Holzm, number 40; and Salm, ibid., page 2, number 46, with Suarez, St. Bonaventure. Therefore, in cases of urgent necessity, namely, if there is a risk of infection, or if the sick person is unable to turn to the other side, it suffices to anoint one eye, one ear, etc. The unction of the wounds, as prescribed by the Ritual, is always omitted in women for the sake of decency; and also in men, when the sick person cannot move comfortably. The unction of the feet, however, is not a necessary part of the sacrament, as is commonly said by Pal, page 3, number 3; Roncaglia, question 2, reply 2; and Salm, ibid., page 3, number 47, with Suarez, Laym, St. Bonaventure, and St. Thomas, question 32, article 6; from which they say that the custom of the Churches should be observed in this unction of the feet. Nor is it necessary for the sacrament to observe the order among the unctions.

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Concerning the words, there is no division, because the inversion of this order does not in the least impede the signification of the sacrament. Holzm. n. 41. commonly. However, it is commonly said by Suarez, t. 4, d. 40, sect. 2, in fine; Bonac. p. 5, n. 20; Pal. p. 3, n. 41, with Sa, and Holzm. with Babenst., that it is gravely illicit, because it would be contrary to the usage of the Church in a notable matter. 3. Of the essence of this sacrament is: 4. That the organs of the 5 senses, which are anointed, be named. Palaus p. 4, o. 26. Aversa sect. 4., etc., commonly, although Diana p. 8, t. 7, r. 56, from Regin., considers the contrary to be probable; indeed, it suffices if, among those being anointed, you mention all the senses: "May He grant you, through these holy unctions, etc." 2. Those words: "Through this holy unction;" although Palaus, in the aforementioned place, says that it is valid even if you omit "holy," 3. The deprecatory words, "May God grant you." Hence, the imperative form; e.g., "Through this, may whatever be remitted to you, etc.," is not valid, say Palaus, in the aforementioned place, and Diana, l. c. 744. As far as the form of this sacrament is upon, the priest, having dipped his thumb in the holy oil, ought to anoint the sick person in the form of a cross, in the parts mentioned below, adapting the words of the form to

the proper place in this manner, namely: "Through this holy unction, and through His most pious mercy, may the Lord grant you, whatever you may have done amiss (if the eye is anointed, and so for the others). Amen." The minister of the words, if he is in the sacred orders, or the priest himself, after each anointing, should wipe the anointed places with a new piece of cotton, or something similar, and place it in a clean vessel, and afterwards bring it to the Church, burn it, and cast the ashes into the sacrarium. The Ritual also notes that when the priest anoints the parts of the body which are paired, such as the eyes, ears, etc. (always beginning from the right side), he should not complete the form until he has anointed both. If someone is mutilated in any member, the part nearest to that member should be anointed with the same form. Then, anointing the ears, he repeats the same form, saying, "through hearing." To the nostrils, through smell. To the mouth (with the lips pressed together), through taste, and speech. To the hands (externally for priests, internally in the palms for the rest), through touch. To the feet (namely, on the soles), through walking. To the kidneys, through the delight of the loins. However, this anointing is omitted in women and also in men who are not in danger of death, or who are barely able to move. But when the danger of death is imminent, the Ritual commands that the sick person be quickly anointed with the aforementioned words: "Through this holy unction, etc." And afterwards, if he survives, the omitted prayers should be said. All of this is found in the Ritual. The word "deliquisti" (have done amiss) is rightly said by Croia n. 2097, and Mazz. t. 3, p. 216, with Gob., to be of the essence; for otherwise, one of the principal effects of this sacrament, which is the remission of sins, would not be expressed in the form, as said by the Lord James: "And the prayer of faith shall save the sick man. And the Lord shall raise him up."

[*Latin ed. p. 542*]

The word "sanctam" is not essential, since in Florence and Trent, this word is not added: "omitting the sinner." Thus, commonly, Pal. part. 4, n. 4; Holz. n. 14; Mazzotta p. 216; and Salm. tr. 7, c. 2, p. 4, n. 30, in fine, with Aversa, and Dicast. Dubit. 1, ask: Does the indicative form suffice? The first opinion affirms, which is held by Cont. Tourn. de Extr. Unct. cap. 4, n. 21, v. Major, and Juenin. diss. 7, q. 4; also Palud. Alb. Magn. Becan. Ricch. Aureol, and Tanner, apud Escob. n. 403, and Concina considers it probable, p. 47, n. 12. He proves it from various ancient Rituals, and especially from the Ambrosian, in which it is said: "I anoint you with holy oil in the name of the Father, etc., that, as a soldier anointed, you may be prepared to overcome the powers of hell." However, the common and truer opinion teaches that the form is not sufficient: thus, S. Th. Suppl. q. 29, art. 8, throughout; Merbes. qu. 20; Natal. ab Alex. art. 3; Suar. d. 40, sect. 3, n. 6; Fill. tr. 3, n. 80; Petrocor. t. 4, p. 184; Pal. p. 4, n. 1; Elbel n. 28; Holzm. n. 45, with S. Bon. and Mastr. Escob. n. 405, with Henr. Con. Nugn. and Hurt, and Sporer n.

74, with Bellarm. Laym. Bon. Val., etc. The reason is from the very words of St. James: "Is any man sick among you? Let him bring in the priests of the church and let them pray over him, anointing him with oil in the name of the Lord." and "the prayer of faith shall save the sick." From these words, it is clear that the Apostle attributed efficacy to this sacrament through prayer. The opposing Rituals do not contradict this; for, as D. Th. states in the cited passage, ad. 3, those words were not the form of this sacrament, but rather a disposition for the form. But perhaps it is better to respond as Pope Benedict XIV does in de Synodo lib. 7, cap. 17, and Sporer n. 75, with Mastr. and Herinex, that those words, "ut possis," being optative, can refer to the one offering the prayer, namely, if he were to say: "I anoint you, praying to God, that you may..."

Doubt 2: Are the words "Per suam piissimam misericordiam?" essential? The first opinion affirms, and this is held by Nugnus and Hurt, apud Escob. n. 97, and Bellarm. apud Mazzotta t. 3, p. 216, and Coninck favors it, dist. 19, n. 45, and Roncaglia considers it probable, quæst. 3, concerning the word "misericordiam"; but Suar. dist. 40, sect. 3, n. 13, doubts it. The reason is that, since the form must be deprecative, it is necessary that there be expressed in it a recourse to divine mercy, which regards misery, in which the sick person is most situated at the end of life. The second opinion, however, is far more common and far more probable, and it denies this, and it is held by Pal. p. 4, n. 4; Bonac. p. 3, near the end; Salm. tr. 7, c. 2, p. 4, n. 31; Roncag. l. c.; Spor. n. 74; Holzm. n. 14; and Escob. n. 99; Laym; Fill; Reg; Henr; Dic; and Trull. The reason against is that the words are not essential, because, simply by the priest saying, "May God grant you relief," he sufficiently prays for divine mercy.

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All, however, agree that omitting the aforementioned words would indeed be a mortal sin, as it would be an omission in a matter of importance, and contrary to the usage of the Church.

Doubt 3: Does the form suffice if it is said: "I anoint you with the holy oil, that through His mercy God may have mercy on you, etc."? Bonac denies this in page 3, number 3, and Hurt, *Nugae*, etc., according to Salm, ibid., number 29. Suar, Laym, Fill, Henr. Reg., and others, more commonly among them, as stated by Salm, in the same place, affirm this, although they also say that the matter is uncertain. The reason is that these words already express the substance of the form.

712. — 4. This sacrament is to be given only to those who are near death, whether from illness, wound, childbirth, or old age, because these alone are infirm. If those who have been freed from illness are again in danger, it must be repeated, and indeed in chronic illnesses, whenever there is a new danger; and it should not be delayed (under grave guilt, Quint., vol. 4, section 9), until they are deprived of their senses, or are utterly hopeless. In

case of doubt about life, it should be administered conditionally. Laym., in the same place, from St. Thomas, Sylv., Suar., division 40, 5. If it is conferred on someone who is suffering from a common illness, or who is not seriously or dangerously ill, it is not valid. Suar., Palaus, Gran., Amic., etc., commonly state this. And although Less., Wiggers, and Quint. believe the contrary to be probable, they nevertheless concede that if someone who has been anointed is again in danger, he must be anointed again (even in the same illness), because of the changed state of infirmity, and Quint. adds that it would have been a mortal sin. See Quint., vol. 5, section 7; Dian., p. 9, vol. 6, r. 64.

713. — Doubt 4: Is this sacrament of extreme unction valid if it is conferred on a healthy person? Juenin affirms this, according to Benedict XIV, *de Synodo*, book 8, chapter 5, number 4, and Ronc., question 6, r. 4, responds that he would not dare to assert that it is invalid, because he has not seen anywhere that the rite of the Greeks is condemned, who, on the day of the Lord's Supper, while the bishop consecrates the oil for the sick, anoint everyone present. But it must certainly be held to be invalid, according to the common opinion held by Suar., vol. 4, division 42, section 2; Pal., p. 6, number 40; Salm., book 7, chapter 4, p. 4, number 6; Conc., p. 48, number 4; and N. SS. P. Benedict XIV, in the same place. The reason is that this is evident from the words of St. James, chapter 5: "Is any sick among you? let him call for the elders." And it is commonly interpreted that this text refers to bodily infirmity, and not to spiritual infirmity, as stated in the Council of Trent, session 14, chapter 3: "It is declared that this unction is to be administered to the infirm." The rite of the Greek Church does not contradict this, for the aforementioned Pope wisely points out that this unction is administered to the healthy, not as a sacrament (which he says is an error to believe), but as a mere ceremony, and a sacramental blessing.

Doubt 2: Is this sacrament valid if it is conferred on someone who is suffering from any illness, even a mild one? The first opinion affirms this, saying that it is indeed illicit, but not invalid.

[*Latin ed. p. 544*]

It is invalid, and this opinion is held by King in d. 49, dub. 7, n. 25, and Wigandt in n. 114. The reason is: first, because the Apostle recognizes the absolutely infirm as the subject capable of this sacrament, when he says: "Is any man sick among you? Let him call for the elders of the church, and let them pray over him..."; and second, because in the Council of Trent, d. c. 3, it is stated: "It is also declared that this unction is to be administered to the infirm; especially to those who are so dangerously ill that they appear to be at the point of death, from which also the sacrament is called the sacrament of the dying." Where they note the word "especially," and from this they infer that the sacrament can also be administered to those who are not dangerously ill. However, the second opinion is more common and should

be followed, teaching that such administration is not only illicit, but also invalid. Thus, Suarez in d. 42, sect. 2, n. 4 and 5, Pal. p. 6, n. 47, Bonac. p. 5, n. 45, Escob. l. 22, n. 138, with Caspens, Gran, Amico, Diana, Reg. etc., from D. Th. in 4, d. 23, q. 2, art. 4, q. 2, where he teaches that this sacrament should not be given unless to the infirm who, according to human estimation, appear to be approaching death. This is proven from the decree of Eugene IV in Instruct. ad Armenos, where it is said: "This sacrament should not be given unless to the infirm of whose death there is fear." But the word "should" here not only implies a precept, but also a necessity, because the aforementioned Pontiff, having declared the subject of this sacrament, and having designated only the infirm of whose death there is fear, seems to have excluded others. This is confirmed by the end of the institution of this sacrament, which, as the Council of Trent states in sess. 14, in Procem., was "that this sacrament might provide a firm defense at the end of life." It does not contradict this, that in the aforementioned c. 3, it is said "especially," because this particle, according to the context of the Council, as is evident, does not denote that the sacrament can be administered to any infirm, but that it can be given to those who are dangerously ill, even if they are not at the point of death, or in articulo mortis; provided that the danger of death is imminent, as will be declared in the end of the fourth doubt (4). Doubt 3. Should this sacrament be administered to a woman in labor? It is answered: if she is suffering from the common pains of labor, she cannot be anointed, even if it is her first birth, or if she is otherwise in danger of death, because at that time she is not yet suffering from a dangerously ill condition, as the Doctors cited below say, with the Council of Milan, p. 2, where it is said: "The parish priest should not administer the sacrament of anointing to women in labor." Otherwise, if the woman has already begun to suffer from very severe pains, so that she is already actually very close (1) "It should only be given to those who are gravely ill, to whom death is imminent, or to the aged who, through old age (these are the words of the Ritual), are failing and appear to be dying; even without another infirmity... if, however, it is given in a serious illness, because some danger of death seems to be imminent, it is validly administered, but illicitly." Hom. Ap. lr. 17, n. 7.

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by the danger of death; because then, truly, it is very dangerously weakened; thus Bonaventure, p. 5, n. 6; Fillius, tr. 3, n. 68; Diana, p. 10, tr. 42, r. 9, with Franciscus Lugo, and Amicus, and Escobar, n. 140 and 144, and with the Council of Trent, and others, 714. — It is doubted: 4. Whether this sacrament can be lawfully conferred upon a sick person who is considered to be in imminent danger of death? The first opinion denies this, and holds that view, as stated in Viva, q. 6, art. 3, n. 2, and Lessius and Quintanilla call it probable, as cited in Escobar, n. 436. The reason (they say) is that the

sacrament cannot be administered in a situation where there is a danger of its being ineffective; for it would be administered invalidly, if indeed the sick person were not truly in imminent danger of death. However, the second, common, and true opinion affirms this, and it is held by Palearius, p. 6, n. 16; Suarez, d. 42, sect. 2, n. 5; Holzmüller, n. 28; Sporer, n. 98, with Soto, and Amicus, and Escobar, n. 438, and with Caspari, Grancisco, and others. This opinion teaches that, in order to validly and lawfully administer this sacrament, it is sufficient that the sick person is suffering from a disease so grave that it is prudently judged to be in imminent danger of death. This is proven by the decree of Eugenius, as mentioned above, where it says: "of whose death one fears." And from the Rituale, where it says: "This sacrament should be given to the sick who... are suffering so gravely that the danger of death seems to be imminent." The reason is that, when Christ the Lord left the administration of this sacrament to men, it should be believed that He left it so that it could be given to all the sick for whom it is reasonably judged that the danger of death is imminent. It should be noted here: 4. That in administering this sacrament, one should not wait for the last moment of life; hence, Merbesius commonly teaches this in his book, t. 2, de Extrema Unctione, q. 25; Moneta, 5; Roneagli, Regimen, in praxi, n. 2; and Antoine, p. 566, gravely condemns pastors who delay this sacrament until the sick person is deprived of the use of their senses and reason; as is also expressly stated in the Roman Catechism, § 9, where it says: "It is a very grave sin for those who are accustomed to observe the time for anointing the sick, when they have already lost all hope of recovery, and are beginning to lose their senses and their life." The reason is that the sick person is thus deprived of the greater benefit they would have received if they had received the sacrament while still of sound mind, when they would have been more disposed to it; also, they are deprived of the spiritual powers to resist the demon and to endure the discomforts of the illness; also, the sick person, if they were in mortal danger and of sound mind, might have received the sacrament and, through contrition, have obtained grace, which they would otherwise be deprived of; finally, they might have obtained the health of their body through the power of this sacrament, if it had been administered at the appropriate time; for it is true that this sacrament, by some supernatural power, can also work for the health of the body, if it is conducive to the salvation of the soul (as stated by the Council of Trent), but it does not operate in a miraculous way, but rather through a certain ordinary means, namely, by assisting natural causes, as is commonly understood.

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They say, "All of these things, when considered together, seem to inflict a serious harm on the sick person." Secondly, it must be noted that a distinction must be made between when the Extreme Unction *ought*

to be administered, and when it *can* be administered. Indeed, there is an obligation to administer it, as we have already said, when the danger of imminent death is present, and in such a case, the last moments of life should not be awaited, but the sacrament should be administered, as commanded by Benedict XIV in Euchologion Graecorum, when the sick person is conscious and able to understand. However, it is commonly taught that the Extreme Unction can validly and licitly be administered as soon as it is prudently judged that the sick person is in danger of death, even if not of imminent death; thus, Suarez, t. 4, disp. 42, sect. 2, n. 4, says: "At the very least, it is required that from such an infirmity, death can be morally feared, at least remotely." The same is taught by Concinius, dub. 7, n. 24; Castrop, tr. 26, p. 6, n. 42; Bona, disp. 7, qu. un., p. 5, n. 7; Escobar, de extr. unct., probl. 30, n. 438; Holzmüller, eod., tit., n. 28; Sporer, n. 98; Salmeron, tr. 7, c. 4, p. 1, n. 6, and others, as well as by Benedict XIV, de Synodo, l. 8, c. 7, n. 2, and Honorato Tournely, Præl. theol. de extr. unct., quæst. 3, v. Quer. 2, who cite a double council, the Council of Aix-la-Chapelle and the Council of Mainz, in support of this opinion. This is further confirmed by the Council of Florence (t. 43, Concil., p. 538) in its decree, which states: "The subject of this sacrament is the sick person, of whose death there is fear." Secondly, it is confirmed by the Council of Trent, sess. 14, c. 3, which states: "This unction should be administered to the sick, and especially to those who seem to be at the point of death." This phrase, "especially to those who seem to be at the point of death," clearly indicates that the Extreme Unction can also be administered to the sick who do not yet seem to be at the point of death. Finally, it is strongly confirmed by the aforementioned passage from Benedict XIV, where it is written: "The sacrament of Extreme Unction should not be administered to the healthy, but only to those who are suffering from a serious illness." Therefore, Castropalaus (l. c., n. 42) rightly says: "Therefore, I believe that the viaticum [the Eucharist given to the dying] can be administered to the sick immediately, and that the Extreme Unction can also be administered and it is fitting, because the infirmity is already considered to bring a serious danger of death." However, when there is doubt as to whether the infirmity is dangerous to life, Castrop, ibid., n. 43, and Laym, de extr. unct., c. 4, near the end, rightly say: "The Extreme Unction cannot be administered, because the precept is that it should be administered only to those who are in danger of death." Conversely, if there is a true probability of such danger, or a prudent fear, as commonly taught by Suarez, Caspensis, Castrop, Escobar, and Holzmüller, n. 28, along with Scoto and Mastriò, 745. — Doubt 5. When can this sacrament be administered again to the same sick person? The answer is: When the infirmity is not prolonged, it is required for the repeated administration of this sacrament that the sick person has recovered from the previous infirmity, and has fallen into another similar situation that endangers life, as taught by the Council of Trent, sess. 14, c. 3. However,

when the infirmities are prolonged, as...

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There are hæmorrhages and hydrops; then St. Charles Borromeo, in his work, teaches thus: If someone has been anointed because death is imminent, and then recovers; and subsequently, from the same illness, falls into a similar danger of death again, he must be anointed again. The same is taught by D. Th. in the 4th Dist., 23rd Question, 2nd Article, 4th Question. The Roman Ritual also prescribes: "This sacrament should not be repeated in the same infirmity, unless it is prolonged, so that when the sick person has recovered, he again falls into danger of death." Therefore, note that in a prolonged illness, if the sick person, after anointing, remains certainly in the same danger of death, he cannot be anointed again. However, as the Most Holy Fathers Benedict XIV (who deserved the best of our praise) states in his work "De Synodo," book 8, chapter 8, paragraph 4: if there is doubt as to whether the condition of the illness has truly changed, then it is advisable to administer the sacrament again, because this is more in conformity with the ancient custom of the Church, and through it, a new spiritual aid is provided to the sick person. However, this must be understood in the case of a positive doubt, namely, when it is probable that the sick person has already passed out of danger of death; otherwise, in a mere negative doubt, the prescription of Trent must be observed, where it is stated that the sacrament can be repeated if the sick person has recovered; which, indeed, cannot be verified unless at least it is probable that they have passed out of danger. Therefore, Ronc. says, question 7, reply 2, that it is not sufficient for the sick person to have felt better for four or five days, so that it appears that the danger of death has passed, unless it is for a notable period, as Wigandt says, number 141, and Spor. says, number 141, with Suar. Con. Reg. etc., or for a month, as Bon. says, page 6, number 4, and Viva says, article 3, number 5, with Trull. 716.

6. In order to receive this sacrament with benefit, in one who is of sound mind and conscious of mortal sin (if it is not confessed), at least contrition is required; mere attrition is not sufficient. Bonac. d. 7, q. 1, p. 5, n. 2, from Reg. l. 28, cap. ult., art. 73. (See also notes 86 and previously 33.) Ordinarily, however, unless there is a reasonable reason to the contrary (e.g., if he cannot receive Communion because of vomiting), confession and Communion should precede, according to the custom of the Church, which postpones anointing, as it is considered less necessary for salvation. See Bon. l.c. n. 13. (In the Roman Ritual it is stated: "According to the general custom of the Church, it is to be observed that, if time and the condition of the sick person permit, the sacraments of penance and the Eucharist should be administered before the Extreme Unction. However, there is no sin, or at most a venial sin, in receiving the Extreme Unction before Viaticum, as Suar. d. 44, sect. 1, n. 2, and Croiæ n. 2120 say, and Benedict XIV does

not disapprove of this in his work "De Syn." l. 8, cap. 8, n. 2, because the custom of administering Viaticum first is at least under a serious obligation.) However, although confession is not necessarily required, since one can prepare oneself through contrition, it may nevertheless be required in certain circumstances, e.g., if after receiving Viaticum, he had committed a mortal sin, and feared that he would not have time for confession after anointing; then, in volume IV.

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Indeed, he ought to be heard and absolved first, because the sacraments which are more necessary should be administered to him before. Fill. Barbos. Dian. p. 5. t. 3. r. 92. 747. — "7. To children who have sufficient use of reason to confess, even if they do not receive the Holy Eucharist, the Extreme Unction is not rightly denied, since sometimes the salvation of these very ones may depend upon it. Suar. 3. p. t. 3. d. 70. sect. 4. Graff. Angl. Zamb. apud Laym. l. 5. t. 8. c. 4. n. 2, who excuses certain pastors in certain places, by a custom tolerated by the Bishops, if they do not administer to boys before the age of 14 or 15, except in cases of necessity, in which case a boy, of whom it is known that he has attained the use of reason, cannot receive another sacrament before death. See Chapeauvill. c. 5. q. 17. And although the pastor may know in confession that the boy has never actually sinned, he ought nevertheless to anoint him, contrary to what Nugn. and Sanc. teach. Suar. Reg. Fill. Conc. etc. with Dian. p. 3. t. 4. r. 184. If, however, it is doubtful whether the boy has the use of reason, he should be anointed conditionally. Dian. p. 5. t. 3. r. 85. and Sanch. Zamb. and Card. de Lugo. 748. — "4. Is the sacrament suitable for infants? The first opinion affirms, which is held by Major and Possev. apud Escob. l. 22. n. 109. The reason is that this sacrament is given not only to remove actual sins, but also to remove the remnants of original sin, to restore health, and to increase grace. The second opinion, which is the common and true one, denies this, and it is held by S. Th. Suppl. q. 32. art. 4. Bellarm. de Extr. Unct. c. 9. Suar. d. 42. sect. 4. n. 3. Pal. p. 6. n. 3. Laym. c. 4. n. 2. Bonac. p. 5. num. 4. Spor. num. 94. Holzm. n. 26. and Escob. with Soto, Nav. Tol. Fill. Reg. etc. from the Roman Ritual, where it says: 'This sacrament ought to be given to the sick who have attained the use of reason.' The reason is, as St. Thomas says, that the form of this sacrament does not pertain to children, because they have not sinned through sight and hearing, as is expressed in the form. But to the contrary, the same Doctor says that Extreme Unction is not given to remove the remnants of original sin, but actual sins. As for the effect of health, it is answered that, since this is only a secondary effect of this sacrament, it ceases when the primary effect ceases. As for the increase of grace, since this is not given except as connected with the proper effect of the sacrament, when the subject is not capable of the proper effect, he is not capable of an increase. It does not hinder that, as Maldonat and Cornel. à

Lap. assert, infants were formerly anointed with the oil of the sick; for Pope Benedict XIV answers in de Synod. l. 8. c. 6. n. 2, that perhaps, if they were anointed, it was then...

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That unction was rather a sacramental blessing; as has been said concerning the unction of the Greeks, numbers 713 and 719.

Question 2: Can this sacrament be conferred upon children, concerning whose use of reason there is doubt? The first opinion denies it, and this is held by Soto, Aureolus, and Zambran, apud Escob. number 442, because if the child lacks the use of reason, the sacrament is futile, and since it is not necessary for salvation, he should not be exposed to such a risk. The second opinion affirms it, and this is held by Spor. number 94, and Croia number 2444, along with Raynaud, Schild, etc., who say that in such cases, children should absolutely be anointed, because at least they are capable of receiving the healing effect on the body. The third opinion, however, is more probable, and is held by (besides Diaz, Sancius, and Lugo apud Bus.) Renzi de Extr. Unct. chapter 2, question 3, and Escob. number 144, along with Dic and Leand, who say that such children should be anointed under a condition, because by the condition, the reverence due to the sacrament is already preserved, and there is a just reason for administering it under a condition, so that the children are not deprived of the salutary benefit of this sacrament, as stated in numbers 718 and 720.

Question 3: Can the Extreme Unction be given to a child who is already capable of understanding, but not yet capable of receiving Holy Communion? The first opinion denies it, and this is held by Soto, Vivaldi, Aureolus, Nald., etc., apud Escob. number 445, along with a certain Synod of Hispalensis; and it seems to be favored by D. Th. Suppl. question 32, article 4, where he says: Just as the Eucharist should not be given to children, so neither should this sacrament. The reason is, first, because this is the common custom of the Church; second, because it seems improper to give this sacrament to a child who, in that state, can scarcely be instructed about its effect. The second opinion, however, is more common and more probable, and is held by Laym. chapter 4, number 2, Sporer number 94, along with Nav., Suar., Aversa, etc., and Escob. number 407, along with Sa, Val. Angl., Durand, Sancio, and Zamb. And the same is taught by Pope Benedict XIV, de Syn. book 8, chapter 6, number 2, who says that a certain Synod is scarcely to be approved, in which it was decreed that this sacrament should not be given to children who have not received Holy Communion; and he approves what is taught by the Rituale Argentinense, namely, that the Extreme Unction should not be denied to seven-year-olds, and to those in whom malice makes up for age, even if they have not reached the age of seven. The text cited by D. Thomas does not present an obstacle; for (as he says in ad 2), he excludes only those children who are incapable of reason,

who are immune from actual sins.

Number 724. Question 4: Can the Extreme Unction be given to an adult who is ill immediately after Baptism? Sanctius denies it, apud Escob. number 421, because all the remaining sins have already been cleansed from him through Baptism, but commonly and rightly, Laym. chapter 8, number 3, and Suar. d. 42, affirm it.

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Section 3, Number 9. Renzi, book 2, question 2, page 5, paragraph 3, rule 82, with Vega, Led, Sylvest, Fill, Palud, Hurt, etc., and Escob, number 423, with Molf, Prep, and Naldo. The reason is twofold: first, because the vestiges of actual sins committed before Baptism are not entirely erased by Baptism, such as a sluggishness towards good and a predisposition to evil; second, because the primary effect of this sacrament is not so much the remission of sins, but rather the strengthening of the weak against the temptations of the devil, as Suarez states in book 44, section 1, number 1; Laym, book 5, number 2; Palud, page 5, number 5; Mazz, page 221, and others; and this is inferred from the words of the Apostle: "And the prayer of faith shall save the sick man. And the Lord shall raise him up."

722. – 8. The minister is solely the priest, that is, the proper pastor: without whose permission, if another administers it outside of necessity, it is indeed valid, but he commits a grave sin, as Sylvest states in the Council, book 9, number 28. This is a common opinion, as Suarez, Palud, Bonac, etc., and Salm state in book 7, chapter 5, page 1, number 3. But can any priest administer this sacrament with the probable presumed consent of the parish priest, or his approval? Viva denies this in *de sacr.*, question 6, article 2, number 3, with Laym, Diana, etc. But Palaus affirms this probably in page 7, number 4, with Val and Sa, and Salm states the same in the same place, number 4, with Bon and Dic. See the statements about the Eucharist, number 235.

723. – A religious person incurs a papal excommunication, as Suarez states in *Reg.*, book 18, number 49 (from Clementina 1, *de Privileg.*, § 4). However, Regular clergy can administer this sacrament, as well as Viaticum, to their family members at the point of death, as Diana states in page 5, book 3, rule 52, citing Marchino, etc. (Regarding this, there is a papal bull, *Immarcescibilem*, issued in the year 4567, in which Saint Pius V granted the Theatines the power to administer Extreme Unction not only to the brothers and clerics of their congregation, but also to mercenaries, workers, servants, and slaves of the same congregation, and to any secular or external guests who may be found in the places or dwellings of that congregation at the time of death, and whenever there is doubt about it, even without the slightest request or permission from the parish priests. Also, Sixtus IV (in Pitton, *de Conf.*, number 78) granted Regular clergy the power to give the Eucharist and Extreme Unction to their penitents, if

the parish priest unjustly denies it, or maliciously withholds it.)

– In a true necessity, such as when the pastor is absent, or refuses to administer it, and the superior cannot be reached to obtain permission, any non-excommunicated person, or one who is suspended, even a Regular clergy member, may lawfully administer it, as against Gavant, as Prepos, Henriq, Fern, Gran, and Diana state in page 4, book 3, rule 82. It is considered that the Pope then grants permission, as Laym, Suarez, etc., state in the cited passages, and Diana states in rule 176. (Similarly, Suarez states in book 44, section 3, number 3; Bonac in page 4, number 6; Salm in book 7, chapter 5, page 1, number 5; Conc in page 47, number 3; Holzm in number 20; Elbel in number 43; Fill in number 90; Escob in number 192; and Palud in page 7, number 5.)

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With Val. Con. etc.; also, Ben. XIV, in the Decrees, book 8, chapter 4, number 7. Also, Tourn. in *Theologica de Extrema Unctione*, question 2, article 4, section 2. Question 2. Juenin, in *Naturalia*, from Alexander (against Sylv. Arm. and Vivald., see Escob. number 160). And the same was taught by St. Charles Borromeo, in *Acta Medica*, page 4, where he conceded that any priest could administer this sacrament if the parish priest was absent. But can an excommunicated priest administer Extreme Unction? Possev. and Dian. and Victorell. and Leand., in Escob., number 163, affirm this, and consider it probable there. But Fill. and Vill. consider it more probable that he cannot, in Suar. d. 44, section 3, number 6. Bon. p. 4, number 4, with Henry and Escob. number 165, who says differently concerning a suspended priest: and indeed, probably, if another is lacking. 724. - 9. A priest suffices without a minister, in necessity, nor is a woman to be used in that case; but if she is used, Quint. teaches that it is venial. (As also Escob. says, number 214. But to minister without a minister is no sin, even when necessity is absent, say Bon. p. 6, number 6, and Escob. number 208, with Host. and Poss. etc., but it is more probable that they are not excused from a venial sin, in Dian. p. 9, book 6, reply 46. Tol. book 7, chapter 2, and Graff. in *Dictionarium*, in Escob., number 406, from the Roman Ritual, where it is said: "Having summoned clerics, at least one, etc.") In that case, one could anoint one part, and another another part, pronouncing the form corresponding to that anointing. Bon. book, chapter, etc., in common. (Also, Salm. in *Tractatus*, book 7, chapter 5, page 4, number 6, with the common opinion, Suar. d. 43, section 2, number 4, Pal. p. 7, number 7, with Con. and Spor. number 82. But this must be understood with the cited authorities, that it is permissible only in the case of necessity, namely, if the sick person is feared to be dying, before all the anointings are performed by the same minister, otherwise it would be mortal; because, as rightly observed by Bon. p. 4, number 8, with the common opinion. It is certain that one priest suffices to administer this sacrament, as taught by D. Th. and others, in

common, in Croix, number 2100, and it is clear from chapter *Quaesivit. de verb. sign.*, where it is said: "A priest, with one cleric present, and even alone, can anoint the sick person." The Greeks use seven priests (as says Arc., but Benedict XIII conceded to them in the year 1724 that they could anoint one person, if 7 or 3 cannot be present). However, one cannot anoint a part of the body, and another pronounce the form (as also Salm. in *Tractatus*, book 7, chapter 5, page 4, number 6, with *Dictionarium* and the common opinion), nor can one anoint one eye, and another the other. See Dian. p. 9, book 7, reply 56. If the priest cannot proceed, what remains must be completed by another. Tan. in *Praepositiones Meritorum*, who in Dian. p. 5, book 3, reply 87, notes that it is also permissible for another to repeat the anointings from the beginning, as if the first had not begun any of them. (But it is better: When a priest fails during the anointings, if another immediately completes them, the first ones made are not to be repeated, as Bon. p. 4, number 9, with D. Thom. Poss. Fill. Molf. and St. Charles Borromeo, in *Acta Mediolanenses*, p. 4. Otherwise, if the anointings are completed by another...)

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After some notable delay (for example, after a quarter of an hour), all unctions must be repeated; otherwise, as Croix, Aversa, Merat, and Nugno state, it is absolutely necessary.

726. — It is questioned whether the priest incurs irregularity if the sick person dies while the priest is attending to him in order to administer the unction. Bon. rightly denies this in p. 4, n. 10, as do Posseville, Soto, etc., and this is consistent with what Salm. says about censure in c. 8, p. 3, n. 33, with Cornejo, from the same Bon. on irregularities, d. 7, q. 4, p. 7, n. 12, with Suar., Ugol., and the common opinion, namely that irregularity is incurred only through fault, from which one is exempt when exercising the office of charity.

726. — "Although all prescriptions in the Rituali, Agenda, or Manual must be observed in the administration of this sacrament," nevertheless, Quint. and Leand. teach that it is not mortally sinful to administer it in necessity without a surplice or stole, and Amic. and Diana p. 8, t. 4, r. 79 grant this as an excuse from all sin, if the sick person is not capable of receiving another sacrament, and these vestments cannot be obtained; contrary to Suar., Regin., and Rto. The question is asked: Does the priest sin mortally by administering the extreme unction without the prescribed vestments, namely, the surplice and stole? If necessity does not compel, it is certainly a grave sin; it is doubtful when necessity compels. The first opinion affirms this, and Suar. d. 44, sect. 2, n. 7, Pal. p. 8, n. 14, Spor. n. 120, Elbel n. 46, and Bon. p. 6, n. 9, with Naldo, and others, hold this opinion, because reverence for the sacrament must be preferred over any private advantage. The second opinion, however, also denies this, and Croix, no.

2146, Diana p. 9, t. 6, r. 46, with Leand. and Escob. n. 220, with Posseville and Quintanad., hold this opinion, in the case where the vestments are lacking, and the sick person dies without the sacrament, because, although this sacrament is not necessary, it is nevertheless very useful; therefore, it cannot be presumed that Christ, who instituted it for the support of the sick and dying, would have wanted them to be deprived of so much good by the omission of the vestments. See what is said in a similar case about the Eucharist, n. 244, v. Ministrari.

727. — Indeed, even outside of necessity, it is not mortally sinful to omit the penitential psalms, litanies, and other prayers, as Pal. and Gran. teach. I say "outside," because in a serious necessity, e.g., during a time of plague, or when death is imminent, the sick person should be anointed immediately without these prayers, which, however, should be added later if the sick person survives. Bon. d. 7, p. 6, n. 8. It must be distinguished: To omit the prayers prescribed in the Rituali, outside of a case of necessity, is undoubtedly a mortal sin, as Tamb. rightly says in de sacr. l. 6, §. 4, n. 1, Pal. p. 8, n. 45, Elbel n. 46, and Bonac. p. ult. n. 7. I said "outside of necessity," because if death is imminent to the sick person, the Rituale itself prescribes that the sick person should be anointed immediately, and then (if he survives)—

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Let the prayers that have been omitted be said. It is likely that Salm, in volume 7, chapter 5, paragraph 4, number 12, along with Paley, Suarez, the Dicastery, and others, say this, if a priest is in danger of contagion. However, Bonaventure, in his work, page 8, number 14, and Escobar, number 217, state that it is not a mortal sin to omit the penitential psalms and litanies, and Elbel, number 46, expressly states that it is a venial sin. However, I believe that Tamborini is correct in saying that these prayers are only matters of counsel, since there is no precept regarding them. In the Ritual, it is said only this: "When the sick are anointed with holy oil, prayers are said with the knees bent by those present." (728).

"2. To bring the oil to the sick, or to administer it without light, as Leander says, citing Possessio, Quintilian, volume 5, section 13, and Barbosus, on the office of the parish priest, chapter 22. (It is also likely that Dian, page 9, translation 6, section 46, and Escobar, 214, say that it is only a venial sin.)

"3. If he administers it alone, without a minister: indeed, this is permitted in cases of necessity, according to Tollet, Sa, etc. See Dian, page 9, translation 6, section 36. (See the statements in number 724.)

"4. If he anoints in a way other than in the form of the cross, as Suarez and Beeckman say. See Dian, page 3, treatise 4, section 178. (It is commonly held that it is only a venial sin to omit the sign of the cross during anointing; thus, Layman, chapter 3, at the end, Suarez, division 40, section 2, number 3, Paley, page 3, number 2, Bonaventure, page 2, at the end, Viva, article

1, number 3, Holzmüller, number 12, Salm, volume 7, chapter 2, page 2, number 14, and Escobar, number 90, with Concinius and Zambrini. Indeed, Escobar believes that it is not even a venial sin, but I do not agree with him, unless necessity demands it. Here, it should also be noted what the Ritual prescribes, namely: 'If another priest or deacon can be found to bring the holy oil, it should be brought by him, who, wearing an alb, follows the priest carrying the Eucharist, secretly carrying the holy oil, and after the sick person has received the Eucharist, he is anointed by the priest.' Furthermore, Layman and Tamborini, in Benedict XIV, on the Council, book 8, chapter 6, number 5 (to which he himself adheres), allow the priest to interrupt the Mass to administer the Extreme Unction, if no other sacrament can be given to the sick person, because if he is sufficiently contrite, he can obtain the first grace." (729).

"44. The pastor is bound by his office to administer this sacrament to those who ask for it, unless a just cause excuses him, even in times of plague, provided he can do so without endangering his life; however, Tannini teaches that he is not bound in this case." Dian, page 5, translation 3, section 93. If the confessors are infected with the plague, the same Dian, page 3, translation 4, section 174, and page 5, translation 3, sections 83 and 93, and page 8, translation 1, section 21, according to Villalobos, Tannini, Amic, Francis, Lugo, etc., Suarez, Fillon, Concinius, Bonaventure, Layman, and others, teach that it can be omitted without sin. (Therefore, the pastor is not regularly bound to administer this sacrament with the danger of his life, unless the sick person has been confessed for a long time, and it is reasonably believed that he is in a state of mortal sin; thus, commonly Suarez, division 44, section 3, number 20, Concinius, page 17, number 4, Paley, page 8, number 5, Holzmüller, number 21, Sporer, number 86, and others, say.) Salm, volume 7, chapter 5, page 2, number 8, at the end, however, say,

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Unless the parish priest certainly knows that the sick person is in mortal danger: but others say that it is better if he knows this with probability, according to the statements in n. 624.) 42. The pastor sins mortally if he neglects to administer the sacrament to one who requests it, or if he delays it with probable danger that the sick person may die without the unction, unless a just cause excuses him, because in a serious matter, he does not perform what he is bound to do by justice. (Thus, comm. Salm. ibid. n. 7, and Viva art. 2, n. 4.) Another priest, however, if the pastor is absent, and he can administer the sacrament lawfully and easily, is bound by charity, but only under a venial penalty. (Thus also, commonly, Laym. c. 7, n. 3, Pal. p. 8, n. 6, Spor. n. 85, with Mastr. and Salm. ibid. n. 9, at the end, against Aversa, who believes that he is bound under a grave obligation.) Unless, however, the sick person is in very great need; for example, if he were otherwise about to die without all the sacraments, and could receive no

other sacrament; in such a case, some seem to recognize a more serious obligation. See Dian. p. 3, tr. 4, r. 170, Laym. l. 5, t. 8, c. 7, n. 3. (Thus also, with the common Salm. cited, n. 9, against Hurt. ap. Viva num. 4.) 730. — • 43. It is not permitted for a pastor who fears being called out at night to administer the sacrament to the sick, to keep the sacred oil at home, so that he may be able to come more quickly, even if he only acknowledges a venial fault in doing so, Barbos. de par. c. 22, ex Possev. (Thus also, Escob. n. 226, if the pastor keeps the oil so that he may more conveniently bring it to the sick. But it is probably said by Croia n. 2414, with Arriaga, and Gob. that the pastor does not sin if he believes that he will be called out at night; and there would be danger that the one called would not come seriously.) Also, Quintan. tr. 5, l. 40, but he does not dare to excuse him from mortal sin who always keeps it at home. (with Escob. d. n. 226.) 14. It is fitting that the cotton wool be burned: because new cotton wool must be used for each unction, unless otherwise stated in the instructions. Laym. loc. cit. Sa. (In the Rituali it is thus: The minister, if he is in the sacred office, or the priest himself, after each unction, wipes the anointed places with a new ball of cotton or something similar, and puts it in a clean vessel, and afterwards brings it to the church, burns it, and throws the ashes into the sacrarium.) 734. — • Resp. 2. Its principal effect is to strengthen the soul against the temptations of the devil at death. A secondary effect is: 1. to remit the relics of sins, (or a part thereof, according to the disposition of the recipient.) 2. to remove remaining penalties (not all, however, as D. Th. Suppl. qu. 30, art. 1, Laym. c. 5, n. 3, Pal. p. 5, n. 9, and Salm. tr. 7, c. 3, p. 1, n. 5.) 3. Sometimes also to restore health to the body, if it is expedient. S. Th. Sylv. Suar. d. 41, sect. 1. (As in Trid. sess. 14, c. 2, where it is said: And sometimes health to the body follows, where it is expedient for the salvation of the soul.) It is commonly held that through this sacrament, sins are remitted, both...

[*Latin ed. p. 555*]

Venial sins, as well as mortal sins, are remitted to this sick person, provided that he is unaware of them through no fault of his own, and that he has contrition, whereby the debt of sin is lessened, as St. Thomas [of Aquinas] states in *Supplement* to the *Summa*, question 30, article 4: "But because this grace strengthens [the soul], and sin is incompatible with it, therefore, consequently, if he finds some sin, whether mortal or venial, with regard to guilt, it is remitted, provided that there is no obstacle on the part of the recipient; as is the case with the Eucharist and Confirmation, as stated above." Following St. Thomas are Bellarmine in *On Extreme Unction*, chapter 8, Palearius, page 5, number 4, Holzmüller, number 36, Mazzotta, volume 3, division 221, Salmotti, ibid., number 2, with Suarez, Valois, Layman, Concinius, Bona, and Croix, number 2449, with Arcudi and Aversa, against certain others. This is clearly deduced from the words

of St. James: "And if any man be sinful, they shall be forgiven him." And from the Council of Trent, session 14, chapter 2: "Whose unction doth forgive sins, if any there be to be expiated, and doth cleanse the remains of sin."

Whether, however, mortal sins are remitted to this sick person by themselves, or accidentally? The first opinion, held by Gonet, volume 6, page 479, Petrocchi, volume 4, page 498, Holzmüller, in the place cited, Sporer, number 104, Mazzotta, page 221, and Soto, in Tournhem's *Theological Preliminaries on Extreme Unction*, question last, view 1, question 1, states that they are remitted accidentally, because, since this is a sacrament for the living, it cannot, except accidentally, cleanse mortal sins. And this opinion seems to be favored by St. Thomas, in the place cited, who says that this sacrament remits sins, as does the Eucharist and Confirmation, which certainly remit sins accidentally. The second opinion, however, is more probable and more common, and is held by Tournhem, in the place cited, Merbes, question 23, Habert, volume 6, page 525, Salmotti, treatise 7, chapter 3, page 4, number 3, with Suarez, Palearius, Valois, etc. It states that Extreme Unction remits mortal sins by itself, although consequently. The reason is that, although this sacrament is for the living, nevertheless, by divine institution, it remits sins, as is clear from the words of the Apostle, as stated above; and it is confirmed by the Council of Trent, session 44, canon 2: "If anyone shall say that the sacrament of the sick is not efficacious in conferring grace, nor in remitting sins, nor in alleviating the sick..., let him be anathema." And it is improbably said, as Bellarmine says with St. Thomas and others, that only venial sins are understood by the term "sins."

However, Baptism and Penance differ from Extreme Unction, because they are primarily instituted to defend against actual or original sin; whereas Extreme Unction (as St. Thomas teaches) is primarily instituted to remove the remains of sin, namely, weakness and ineptitude, which are left by actual sin; but because, when sin is found in the soul, the remains cannot be removed unless the sin itself is first removed, therefore, consequently, this sacrament removes sin. But is the principal effect of this sacrament the remission of sins, at least venial sins? Holzmüller, number 36, affirms this, along with St. Bonaventure, Scotus, and other common Scotists, as well as Navar, Vasquez, Sahagún, and Maior, in Escobar, number 470. But others, most commonly and probably, say...

[*Latin ed. p. 556*]

The principal effect of this sacrament is to remit the remaining sins, as mentioned above; for otherwise, one who did not have actual sins would not be capable of receiving the principal effect of the sacrament, which is false. Thus, St. Thomas [of Aquinas], in the aforementioned work, is followed by Gonet, page 475; Paleari, page 5, number 3, with common opinion; and Escobari, number 478, with Suarez, Soto, Paludanus, Filliucca,

etc., page 732.

"Children, before the use of reason, are not capable of this sacrament; although the age at which they can sin is sufficient. [Navarre and Suarez, in the aforementioned work, chapter 2.]"

"Those who are perpetually loving [i.e., insane], or who, if they had asked, would have asked, or who have shown signs of sorrow, can and should be anointed. [Sylvestri, Henricus Layman.]"

"(And so it is stated in the Rituale: 'To those who, while in their right mind and with their senses intact, have asked for this, or who would likely have asked, or who have shown signs of contrition, even if they have subsequently lost the power of speech or have become insane, or are delirious or do not seem to understand, the anointing should nevertheless be administered. But those who are truly insane can be properly anointed if they have a lucid interval, as stated in D. Th., question 32, article 9.') In cases where there is doubt as to whether a sick person has ever used reason, he should nevertheless be anointed (understand this conditionally), as Croix rightly states, number 2411, with Rainaldi, Dianus, Aversaeus, etc."

"And this should also be said of the intoxicated, unless it is certain that they are in a state of mortal sin, as Croix states, number 2410, with Gobius and Lohn, from the Rituale: 'It is denied to the impenitent, and to those who are dying in manifest mortal sin, and to the excommunicated.'"

"Those who have been wounded in a fight can also be anointed, because it is presumed that they have been reconciled in that extreme state. However, during the time of interdict, it is forbidden to administer this sacrament, according to the decree 'Quod in te,' concerning penance and remission."

"And if such a person remains for anointing, he should be bound or firmly held, as Tamburini states, in Dianus, page 5, treatise 3, response 84, who, with Barbosus, in 'De Officio Parochi,' chapter 22, states that it is necessary when a phrenetic person cannot receive another sacrament."

"And this is consistent with what the Rituale adds, saying: 'If the sick person is suffering from phrensy or dementia, and it is likely that he could do something against the reverence of the sacrament, he should not be anointed, unless the danger is completely removed.')"

"3. The mute, deaf, and blind from birth are capable of receiving this sacrament, and therefore they should be anointed, especially over the organs of the senses which they lack; even though they may not have externally sinned through these organs, they may have been able to sin through the interior powers to which these organs correspond. [Posselius, Naldini, Praepositio, Dianus, page 5, treatise 6, response 44.]"

"(Thus also St. Thomas, in question 32, article 7, and Salmanticensis, in treatise 7, chapter 2, page 3, numbers 21 and 24, with common opinion [contrary to Croix, number 1875, with Gobius, etc.], and St. Charles Borromeo

taught the same in 'Acta Medica,' page 4.)"

"4. To refuse to receive this sacrament, in itself, without scandal or contempt, is not a mortal sin. [Suarez, Layman, Tanquerey, Escobari, etc.] (much less does it constitute a mortal sin)."

[*Latin ed. p. 557*]

For laypersons, if they do not take care to do so). However, they teach that it is a venial sin, as seen in the Council of Trent, Decree 19, doubt 10, against Nugnum. See Diaz, page 3, volume 4, rule 170, and page 8, volume 4, rule 58, and page 5, volume 3, rule 97, where it is noted that Tunn does not consider it contempt to omit, when one, knowing and being prudent, omits at an opportune time, and with an opportunity offered. However, Tolosa argues the opposite, especially if there is a probable chance that the opportunity will not arise again. The question is asked: Is there an obligation to receive this sacrament under pain of mortal sin? The first opinion affirms this, and this is held by the Council of Trent, page 20, paragraph 7; Merbes, page 260, question 10; Habert, volume 6, page 544; Roncaglia, page 422, question 7; also St. Bonaventure and P. Soto, apud Escobedo, number 55. However, these authors use different reasons; Roncaglia argues that such a sick person gravely sins against charity towards himself. Others argue that the words of the Apostle: "Let priests be ordained," imply a command. The second, more common opinion (as Merbesius himself admits), and one that is quite probable, denies this, and is held by Suarez, distinction 42, section 4, number 2; Navarret, chapter 22, number 16; Bonaventure, part 5, number 10; Holzmüller, number 34; Viva, article 2, number 4; Croix, number 2143; Sporer, number 406; Elbel, number 54; Palafox, part 8, number 4; Paludanus; Covarrubias; and Soto, apud Escobedo, number 56, with Cajetan, Sylvester, Victor Arminius, and Gabrel and Salmeron, treatise 7, chapter 4, page 2, number 10, with Concinius, Sa, Valerius, and Henricus; also Estius, Sylvius, and Sambovius, apud Habert, in the same place, from D. Thomas, in 4, distinction 23, question 4, article 4, question 3, ad 4, where he says that the sacraments of Confirmation and Extreme Unction are not necessary for salvation. The reason is that there is neither an obligation from the very nature of this sacrament, since it is not necessary for salvation, but only useful and for the better; nor from a divine precept, since the theologians commonly do not interpret the words of the Apostle as a precept, but as counsel. Therefore, since this sacrament is instituted only for greater benefit, it does not seem that charity towards oneself obliges one to receive it under pain of mortal sin; for charity does not obligate under a serious precept to do what is better. Nevertheless, despite this, the first opinion also seems probable, and certainly advisable to me, not so much on the basis of a precept, since there is at least no certainty about that, but on the basis of charity towards oneself; for although a dying person may strengthen himself with other aids, in such a condition, on the one hand, it

is with great difficulty that he can stir himself up to good actions, since his own strength is weakened by the oppression of his illness; and on the other hand, the snares of the devil are more vehement (as the Council of Trent says); therefore, he seems to expose himself to great danger of succumbing to temptations who neglects to fortify himself with this sacrament instituted by Christ the Lord, as a firm defense in so great a conflict. However, all agree that, by accident, a sick person could commit a mortal sin by omitting to receive this sacrament, namely, first, if he omitted it while aware of a mortal sin, and unable to receive another sacrament; thus, commonly, Palafox, page 8, number 3, and Salmeron.

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Book 7, Chapter 4, Paragraph 2, Number 13. As Suarez states, and others widely agree; but Suarez and Palause rightly assert that this case scarcely occurs. Secondly, if omitting [the sacrament] would cause scandal, for example, if, due to circumstances, others were led to suspect that the person himself is a heretic, or to disregard this sacrament; thus, Salm. ibid. number 12, Holzm. number 31, and Pal. number 3, with Suarez, and the Common Doctors. Thirdly, through contempt, as the aforementioned Doctors commonly state, and it is evident from the Council of Trent, Session 14, chapter, at the end, where it is written: "And truly, the contempt of so great a sacrament cannot be without immense sin..." Whether, however, someone who knowingly and willingly neglects to receive this sacrament can be said to be showing contempt? Merbesius and others affirm this. But Suarez, number 6, and Salm. Book 7, Chapter 4, Paragraph 2, number 11, Pal. number 3, with Suarez, etc., more commonly and probably deny this, because someone is only said to show contempt when he neglects [the sacrament] because he considers it unimportant; but not when he refuses to receive it due to some impediment, or because he believes it is not required by the law. And this is consistent with what Martin V said in the bulla of Constance (as Merbesius reports, in question 10), where he stated: "This sacrament (namely, extreme unction) cannot be neglected without guilt, nor can it be shown contempt without mortal sin." Thus, the Pope seems to have expressed sufficiently that contempt for this sacrament involves serious guilt, while negligence involves only a lesser degree of fault. See the statements regarding the Sacrament of Confirmation, number 182, which are also applicable to this sacrament.

CHAPTER II. ON THE SACRAMENT OF HOLY ORDERS.

Doubt 1. What is an order, how many are there, and what is its matter?

724 What is the sacrament of Holy Orders, and how many are there? And is the diaconate the first order?

735 What is ordination, and what is an order? And what are the effects

of Holy Orders? The definition of the juridical nature of an order.

736 Are the seven individual orders sacraments?

737 The Author's opinion.

738 Is the episcopate a distinct order from the priesthood?

739 What is the remote and proximate matter of this sacrament?

749 Doubt 1. Are the matter and form of the order given by Christ in a specific form? (Referring to number 12 regarding Sacraments.)

741 Doubt 2. Is a Latin validly ordained through matter assigned to the Greeks?

742 Doubt 3. Is contact of instruments required?

743 Doubt 4. Is physical contact required?

744 Must the form be spoken and the matter be handed over by the same bishop? And must the Mass be celebrated by the same one who confers the orders?

745 Regarding the matter of each order. Is the matter of the diaconate the handing over of the urceol or the candle?

Question 1. What is the matter and form of the subdiaconate?

Doubt 1. Is it a chalice with a paten, or a book of Epistles?

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747. Question 3. Must the chalice and paten be consecrated? And does a subdeacon commit a grave sin by ministering at the altar? Reference to number 38.

748. Question 2. What is the matter and form of the diaconate?

749. Question 3. What is the matter and form of the priesthood?

750. Question 1. Is it required for the consecration of both species, namely, the bread and the wine, to be performed?

751. Question 2. Is valid ordination conferred upon one who touches the host, but not the paten?

752. Question 3. Is valid ordination conferred upon one who touches the chalice and paten, but not the host?

753. Question 4. Is valid ordination conferred upon one who touches only the chalice, but not the paten?

754. A cleric exercising a function of a higher order than the one he possesses incurs irregularity. What if he is a layperson? (Reference to number 116.)

755. Concerning the ordination of Bishops. And is the assistance of three Bishops required for validity?

756. Can a Bishop confer the first tonsure outside of his diocese?

757. What should be done in a case of doubt as to whether an order has been conferred?

758. How are defects committed in ordination to be remedied?

759. And are the remedies for such defects to be applied within a prescribed time for ordinations?

760. Which Bishop can ordain?

761. Who is the minister of ordination?

762. Questions 1. Can any priest be a minister by the concession of the Pope? And also for conferring the priesthood? And also for conferring the diaconate and subdiaconate?

763. Question 2. Can Abbots confer tonsures and minor orders, or grant letters of dispensation to their non-religious subjects?

764. Question 1. Can orders be conferred upon novices?

765. And must novices be ordained by the Bishop of the place where the novitiate is located, etc.?

766. Question 3. Do Abbots validly ordain those who are not their subjects?

767. Does one gravely sin by conferring minor orders in a place where death is present?

768. By which Bishop should religious be ordained?

769. The ordination of secular clergy should be performed by their own Bishop, or another, etc.

770. Several points to be noted from the bull *Speculatores*.

771. What if someone has their origin in one diocese, their residence in another, and a benefice in a third?

772. What if someone is born somewhere by chance?

773. What if someone has different residences?

774. When can someone be ordained by the Bishop of the benefice?

775. Question 1. Can the Bishop of the benefice dispense in interdicted places?

776. Question 3. Is it licit for a Bishop to ordain someone to whom he is conferring a benefice, so that he may be able to ordain him?

777. What if someone holds benefices in different dioceses? And do students establish a residence?

778. What is required in order for someone to be ordained on the basis of residence?

779. Do barons and their sons enjoy the right of residence in their fiefs? Do officials enjoy the right of residence in the place where they live?

780. How can someone be ordained on the basis of familiarity? And can servants of servants be ordained under this title?

734. — Response 4. The order is a sacrament by which power is conferred for the proper administration of the Eucharist. The orders are universally

seven: doorkeeper, lector, exorcist, acolyte, subdeacon, deacon, and priesthood. This latter is twofold, lesser and greater, or episcopacy. Hence, some count eight. The first tonsure, however, is not an order, except broadly speaking, but only a preparation for the Orders, Session IV.

[*Latin ed. p. 560*]

By which a person becomes a cleric, and capable of receiving ecclesiastical benefices, and the privileges of the clergy. ▪ (Thus, St. Thomas [Summa Theologica], Supplement, Question 40, Article 2; Bonaventure, Questions on the Universal, Part 1; Palearius, page 2, number 2; Holzappel, number 48, with Scotus and the theologians in common; Salmeron, De Ordinationibus, Tractate 8, Chapter 1, Doubt 2, number 26; with Soto, Trullius, Nugno, etc.; and Barbatus, De Potestate Episcopi, Allegation 2, number 18, with Vasquez, Fillonius, Regius, and others [contrary to Covarrubias, Pagninus, and other Canonists]). The reason is that the Council of Trent, in Session 23, Chapter 2, speaking of tonsure, says: "That those who had already received the tonsure should proceed from the lesser to the greater orders." Therefore, the tonsure is not enumerated among the orders. Furthermore, the Council, in Session 23, Chapter 17, testifies that only these orders have existed from the beginning in the Church, namely, from the diaconate to the ostiariate.

Of these, the three later ones are called major or sacred orders, because of the attached solemn vow of chastity (although, if someone is ordained through grave fear, or rather through flattery and the insistence of parents, it is probable that they are not bound by this, unless they spontaneously ratify it. Sanchez, Disputationes, 29; Azorín, Volume 10, Chapter 4, Question 3, Conclusion number 458; Bonaventure, De Matrimonio, Question 3, Part 9). The others are called minor orders, which some, along with Vasquez and others, deny to be sacraments, while others, along with Bellarmine, Contius, and Fillion, affirm them to be sacraments, based on probability, and indeed, either through perfection and end, or through the unity of attribution. See Fillion, Tractatus, 9, Division 1; Bonaventure, Disputationes, 8, Question 1. It is defined what an order is in the Council of Trent, Session 23, Canon 3: "If anyone denies that an order, or the sacred ordination, is truly and properly a sacrament instituted by Christ the Lord, let him be anathema."

Question: What is ordination, and what is an order? Ordination is that act by which sacred power is conferred. An order, however, is better defined with St. Thomas: "It is a certain sign of the Church, by which spiritual power is transmitted to the ordained" (and the Doctors commonly add) "in relation to the Eucharist." Ordination is a sacrament; an order is the effect of the sacrament. An order is said to be from the effect it causes, because an order constitutes ministers who have a twofold, special power: one of order with regard to the real body of Christ, and the mystical body

simultaneously, namely, to consecrate the Eucharist and to absolve sins; the other is of jurisdiction with regard to the mystical body of Christ alone. It is rightly added "in relation to the Eucharist," because all other ministries are directed not to another end, but to preparing the faithful to receive the Eucharist worthily. Salmeron, De Sacram. Ordinationibus, Chapter 4, Part 4, number 8, in the footnote. It is evident that an order is truly and properly a sacrament, because it contains those three things which constitute sacraments: namely, 1. An external sign, as in Acts 6: "And when they had prayed, they laid their hands upon them." 2. A promise of grace for the ministry, as in 1 Timothy 4: "Neglect not the grace that is in thee, which was given thee with the laying on of the hands of the presbytery." 3. It has the institution of Christ the Lord, as in Ephesians 4: "He himself gave some to be apostles, some prophets, some evangelists, some pastors and teachers."

[*Latin ed. p. 561*]

He gave some as Apostles, others as pastors, and others as teachers, for the work of ministry. And from Luke 22: "This do ye in commemoration of me." Although only the priesthood was ordained, nevertheless, the ordination of other ministers was eminently contained therein, who serve the priests. The effects of this sacrament are four: 1. The grace of sanctification. 2. The sacramental grace for performing the duties of the ministry. 3. The impression of a character. Concerning faith, there are several orders in the Church; from the Council of Trent, Session 23, Canon 2. If anyone should say that, besides the priesthood, there are no other orders in the Catholic Church, neither major nor minor, through which, as through certain graces, one is led towards the priesthood, let him be anathema. However, each order is defined as follows: 1. The order of Acolyte, through which a special power is conferred to open and close the door of the Church, and to admit the worthy and exclude the unworthy. 2. The order of Lector, through which a special power is conferred to read the psalms, and the lessons from the pulpit in the Church, and to catechize or instruct the people in matters of faith. 3. The order of Exorcist, through which a special power is conferred to cast out demons. 4. The order of Acolyte, through which a special power is conferred to serve the subdeacon in the solemn Mass, to light the candles, and to prepare and offer to him the vessels of wine and water. 5. The order of Subdeacon, through which a special power is conferred to serve the deacon in the solemn Mass, and to solemnly chant the Epistle. 6. The order of Deacon, through which a special power is conferred to immediately assist the presbyter in the solemn Mass, and to solemnly chant the Gospel. 7. The order of Presbyter, or priesthood, through which a special power is conferred to consecrate the body and blood of Christ, to also absolve from sins, and to nourish the faithful through works and teaching. 8. The order of Bishop, through which a special power is conferred to confirm the

faithful, and to ordain ministers of the sacraments (taking "ministers" in the broader sense, that is, not only those who administer the sacraments, but also those who, by office, minister to those who administer the sacraments), and also to consecrate things pertaining to the divine worship. The first tonsure is a solemn ecclesiastical rite, consisting of a slight cutting of the hair with certain words, celebrated by a suitable minister, according to the institution of the Church, signifying that a baptized male is transferred from the lay state to the clerical state, and to the service of the Lord.

A celebrated question is whether the seven orders are sacraments? There are four opinions: The first opinion universally affirms it, and this is taught by D. Th. 3, p. qu. 37, art. 2, ad 4, and art. 3, which is followed by Sanch. Cons. l. 7, c. 4, dub. 7 and 8, Bon. p. 4, n. 2, Bellarm. de Ord. c. 8, Gonet d. 2, art. 4, and Salm. de Ord. c. 4, dub. 4, n. 14, with Gabr. Gran. Lez. and many others.

[*Latin ed. p. 562*]

II. The first opinion states that only the priesthood is a sacrament, and so hold Durand, Cajetan, and it is considered probable by Soto and Victor, according to Salm, ibid., no. 13.

III. The second opinion states that there are only three sacraments among the higher orders; thus, Navarrus, chapter 22, no. 48, and Soto and Vasquez, according to Salm, cited, no. 43, in the middle, and Sanchez, in *de Matrimonio*, book 7, chapter 31, no. 27, consider it probable.

IV. Finally, the fourth opinion states that only the presbyterate and the diaconate are sacraments, and this is held by Tournely, *Praelectiones Theologicae de Ordini*, question 6, articles 2, 3, and 4; Cabassut, *Tractatus Juris*, book 3, chapter 16, no. 3; and Habert, book 7, page 466, paragraph 3, with Gratian, *Decretum*, and Estius, and Salm calls it probable, according to *De Ordini*, chapter 4, page 2, no. 42, with Soto, 737.

Regarding these opinions, I will now offer my judgment. The first opinion is probable. The reason is that Eugene IV, in the decree addressed to the Armenians (as cited by Croice, book 6, page 2, no. 2128), states that the matter of the sacrament of Holy Orders is that through which the order is conferred; and then he explains that the chalice with wine and the paten with the host are the matter of the priesthood, the book of Gospels is the matter of the diaconate, the empty chalice with the empty paten is the matter of the subdiaconate, and other things are assigned to the other four orders. Since this Pope, with the aforementioned decree, declares that all orders beyond the sacred ones have their own proper matter for the sacrament, it follows that he declares that all other orders are sacraments. It does not contradict this that the minister of ordination is only the Bishop, as is stated in the Council of Trent, session 23, canons 4 and 7. For it is answered that this should be understood of the ordinary minister, and not of the extraordinary minister, whom the Pope can rightly appoint to confer

such orders, as Salm states, ibid., page 1, no. 47 and 19, with Soto, Sanchez, Palearius, and others, commonly from *Doctor Thomae*, who expressly teaches this in the Supplement, question 38, article 1, ad 3. And in fact, it is clear from the same Council of Trent, session 23, canon 40, that abbots can confer the minor orders; see the aforementioned, no. 763.

The second opinion, which states that only the priesthood is a sacrament, is not, in my opinion, sufficiently probable for me and for others, as I will explain shortly, when speaking of the fourth opinion. The third opinion is also probable, just like the first. But I consider the fourth opinion to be probable, which teaches that only the priesthood and the diaconate are sacraments, and not the other orders. The first part, that not only the priesthood, but also the diaconate, is a sacrament, is proven because in the ordination of a deacon, three things concur, as we have said, which are sufficient for a sacrament: 1. The essential elements; 2. A sensible sign, namely, the imposition of hands. 3. Divine institution, for the Council of Trent defined: "If anyone shall say that in the Catholic Church there is not a hierarchy divinely instituted, which consists of bishops, priests, and ministers, let him be anathema." But by "ministers," at least deacons are understood.

[*Latin ed. p. 563*]

The institution of these orders is established by divine ordinance: 3. The promise of grace is fulfilled, as indicated by the words of the Bishop: "Receive the Holy Spirit for strength," etc. These words constitute the form, and they truly produce grace, as Pope Anastasius II wrote in his letter to Emperor Anastasius, chapter 7, as cited by Cabassut, in his work, and as is clearly inferred from the 23rd session of the Council of Trent, canon 4, which states: "If anyone should say that the Holy Spirit is not conferred through the sacred order, and therefore to say to the Bishops: 'Receive the Holy Spirit...' let him be anathema. Therefore, when in the ordination to the diaconate, the Bishop says, "Receive the Holy Spirit," etc., the Holy Spirit is truly given, and consequently, the sacrament is truly conferred. The second part, namely that the minor orders and the subdiaconate are not sacraments, is proven because these lack the matter and form of the sacrament of order; they lack the matter, because there is no imposition of hands, which is the sole matter of this sacrament, according to the more probable opinion that we have held regarding the Sacraments in general, number 42, and which we will demonstrate more fully here, number 749, in Part III. They also lack the form of the sacrament; in the conferral of these orders, there is no form that expresses the production of grace, but only mention is made of the power that is transmitted. It cannot be objected that none of the seven orders repeat [the formula], therefore, in each, a character is imprinted, which cannot be imprinted except through a sacrament. For it is answered that the consecrations of churches are not repeated,

and therefore they do not imprint a character, nor are they sacraments. It also cannot be objected that Clement, in his work, book 8, constitution, chapter 21, says that in the ordination of subdeacons, this prayer is said: "Bestow upon them, O Lord, the Holy Spirit, that they may be able worthily to minister to the vessels of the Lord." For it is answered that the same Clement previously stated that the same prayer was said over deaconesses, who certainly could not receive the sacrament of order. But today, this prayer is not said. 738. — It is then asked: Is the episcopate a distinct order from the presbyterate? St. Thomas and St. Bonaventure, and others, deny this, saying that it is an extension of the order of the presbyterate. But it is more commonly affirmed by Bellarmine, Tournhem, in his work on orders, question 6, article 4, conclusion 4, Habert, Valois, Aversa, etc., both because in it, a distinct character and a special power regarding the Eucharist are transmitted, namely, the power to constitute ministers of this sacrament; and also because the order of the episcopate is conferred through the imposition of hands and through the formula "Receive the Holy Spirit," etc. It cannot be said that, if the episcopate were a distinct order, a Bishop could validly ordain, even if he were not a priest; for it is answered that this is required by divine ordinance, just as it is required that one be baptized who wishes to be confirmed, or ordained. 739. — "Response 2. The remote matter of the orders is some instrument given for ordaining, as a sign of spiritual power; the proximate matter is the tradition and acceptance of [the order], the physical contact of which..."

[*Latin ed. p. 564*]

It is debated whether, although it may not be essential, some may probably teach that, according to St. Augustine, St. Henry, Reginald, Layman, Dionysius, volume 4, on the sacraments, number 185, and others, the contrary is more common and safer, that at least one hand should touch [the chalice]; indeed, according to the precept, to avoid scruples, both hands should be used; and indeed, all things, for example, the chalice with the paten, this with the host, as taught by Philius, and this is done by all with the pronouncement of the words by the Bishop. See Layman, book 5, volume 9, chapter 5; Bonaventure, book 8, page 1, point 3; Dionysius, page 8, volume 1, rule 40 and 42, 740.

Here is a doubt: 4. Were the matter and form of the sacrament of Holy Orders determined by Christ the Lord in a specific way? See what was said about the Sacraments in general, number 12, where we said that it is more probable that all the matters of the sacraments, and even the forms in substance, were determined by Christ in a specific way, as stated by Juenin, Petrocor, Habert, Concina, Merbes, Contin, in *Tourn. de sacr. in gen.*, chapter 2, article 2, point 2, and many others, following St. Thomas.

Here is a doubt: 2. Can a Latin priest be validly ordained through the matter assigned to the Greeks, namely, through the imposition of hands

alone, and vice versa? Suarez, Vasquez, Dicast, and Escobar, in Croice, book 6, page 1, number 46, say yes, because, since the Church is one, the sacraments also should be uniform. However, Croice, with Arriaga, and others, say no, because the matter assigned to the Greeks does not have the power to signify what the matter assigned to the Latins signifies, according to the determination of the Church. Both opinions are probable, but the first is more probable, according to our opinion given in the same number 12, about the Sacraments in general, where we said that the imposition of hands alone, which is common to both Greeks and Latins, is the essential matter of the sacrament of Holy Orders; but the instruments are only integral matter. However, if a Latin priest is ordained with the form pronounced in Greek, or vice versa, there is no doubt that the ordination is valid, as Lugo, book 2, number 407, Council of Trent, question 68, and Croice, number 30, say correctly and commonly, along with Suarez, Cajetan, and Dicast.

Here is a doubt: 3. Given the probable opinion of those who say that the tradition of instruments is necessary for the validity of ordination, is it absolutely necessary that there also be contact on the part of the recipient? The first opinion denies this, and Layman, chapter 5, number 4; Navar, Manual, chapter 22, number 47; Cajetan, in the *Summa*, on those who are ordained; Dionysius, part 3, treatise 4, rule 185; and Albinius, Maginus, Arminius, Victorinus, and Vasquez, in Palearius, page 4, number 24, hold this view. The reason is that it is sufficient for the granting of powers and jurisdictions that the minister, or the lord, hand over something, and that the other be present, receiving it without contact with the thing being handed over? The second opinion affirms this, and St. Thomas, Supplement, question 34, article 5, objection 3; Sanchez, *Consilia*, book 7, chapter 1, doubt 2; Bonaventure, book 3, number 41; and Palearius, number 22, along with Valois, Suarez, and Dicast, hold this view. The reason is that Christ instituted the conferral of Holy Orders in this way, as suggested by the practice of the Church, and the words of the formula, which (as St. Thomas says) seem to indicate that the touch of the material is of the essence.

[*Latin ed. p. 565*]

The sacraments. And this opinion, being sufficiently probable, should be followed entirely in practice, at least in the orders of presbyter and deacon; for as regards other orders, it is probable that there are no sacraments, as we have said in nos. 737 and 743.

Doubt 4. Is physical contact with the instruments required for the validity of the ordination? Some deny this, an opinion which they consider to be worthy of belief (Salm. de ord. c. 2. p. 4. dub. unic. n. 12; Ronc. p. 125. qu. 5. r. 3). Their reasoning is that, in a human way of speaking, the very act of one person offering something to another, and the other signifying by

some sensible sign that they accept it, is considered to be acceptance, even if there is no physical contact. Others, however, affirm this with the more common opinion (Bonac.; Ronc. ll cc. Viva q. 7; Elbel n. 18; Mazzotta t. 3. p. 228; Salm. ibid. n. 14, with Sota, Aversa, and Trull; and Escob. n. 184, with Gran. and Marchin, etc.). Their reasoning is that, just as in baptism, confirmation, and extreme unction, it is required that the recipient physically touch the matter, so too in ordination; this is because such is the practice of the Church, from which it is presumed that Christ instituted it in this way.

Objection: Young children are not able to touch the matter, at least not voluntarily, and yet, if they are ordained, they are validly ordained, as we shall say in n. 782. But it is answered that young children are also not able to make a moral act of offering, and therefore, as Salm. rightly says, they are only validly ordained to the extent that the ordination is voluntary on their part, by the will of the Church, just as in baptism they receive absolution. And since this opinion is also probable, the aforementioned Doctors rightly say that it should be followed entirely in practice. Escob. n. 184 rightly states that, for the validity of the sacrament, it is sufficient that the matter be touched by one hand. And likewise, Escob. loc. cit., and Pal. p. 4. n. 20, Croio n. 2457, with Gob. and Salm. ibid. n. 49, with Vasq. Con. Bon. and Aversa, rightly hold that a mediated touch is sufficient, namely, if the chalice, paten, or book is touched by some means, such as a cloth or a chirotheca; for he who touches in this way is, in the opinion of all, truly said to be touching.

744. It should be noted here that, in the conferring of the sacred orders, it is required that the matter be given by the same Bishop who pronounces the formula; because, since such is the practice of the Church, it is presumed that Christ instituted it in this way (D. Thom. Suppl. q. 38. art. 4. ad 2; Sanch. Cons. l. 7. c. 3. dub. 5; and Salm. ibid. n. 22). Conversely, St. Thomas teaches this with others cited in the collation of the minor orders.

Note II. If the orders are conferred by a Bishop, but another celebrates Mass for him, the ordination will be valid, but illicit, as declared by the Sacred Congregation in 1445, before Clement XI, and confirmed by Innocent XIII in the Congregation on February 5, 1722. This is reported by N. P. Bened. de Syn. l. 8. c. 41. n. 7.

745. "The doorkeeper is ordained by the tradition of the keys of the Church; the lector of the book of readings, the exorcist of the book of exorcisms, and the acolyte with the oil of the lamps, or at least with the cruets, and the candle with the extinguished wick, because it is his duty to prepare the wine and water for Mass."

[*Latin ed. p. 566*]

(But what is the matter of the acolyte's office: the handing over of the cruets, or the candlestick? Answer: Both, according to St. Thomas, *Summa Theologica*, II-II, q. 47, etc., against others. The *character*, however, ac-

cording to the opinion of the affirmative, which holds that all orders are sacraments, is more probably imprinted in the handing over of the cruets, as they are closest to those offering sacrifice, as Sanchez and Bona hold, with Salmeron, *ibid*, at the end.) • The subdeacon hands over the empty chalice with a paten placed on top of it, because it is his duty to prepare these for Mass; the deacon, with a clean hand, and the handing over of the book of Gospels, because it is his duty • (to minister at the altar, as stated in the Pontifical) • to catechize, to sing the Gospel, and, with the permission of the parish priest, to preach, to baptize, to administer the Eucharist: • (However, in necessity, according to what was said in n. 446, see *Certamen*, and n. 237, Question 1.) • The priest • hands over the chalice with wine, and the paten with bread, and with the addition of the formula, receives the power to offer sacrifice; then, with the imposition of hands, and the addition of another formula, receives the power to remit sins to others. See Fillius, vol. 9, chap. 2, Regulations; Bona, *Dianoia*, p. 3, vol. 4, resp. 486, 487, and p. 8, loc. cit. 746. — Question 4. What, then, is the matter and form of the subdiaconate? Among the Greeks, it is the imposition of hands; among the Latins, it is doubtful whether it is the chalice with the paten, or the book of Epistles. Some say that the closest matter is simply the handing over of the empty chalice with the paten, from the Council of Carthage, can. 5, and the Florentine Council, session 15, § 6, with its form: "I admonish you, see whose ministry is given to you, so that you may present yourselves in such a way as to please God." Others, however, say that the essential matter is also the handing over of the book of Epistles, as Escriva says, *loc. cit.*, and Fillius, *Dictionarium*, *Aversiones*, *Meditationes*, etc., in Croia, n. 2149. The reason for this is that it is still the special duty of the subdeacon to solemnly read the Epistles. However, Habert and Salmeron, *de ord.*, chap. 3, p. 3, n. 19, with D. Thomas, *Magna Sententia*, Vasquez, Gonzalez, Valois, Bona, and Paleari, say that the first opinion is certain. The reason is that it has not been discovered by any judgment that the Church instituted this rite as a necessary matter for this order; for they already say that the handing over of the chalice and paten sufficiently signifies the principal ministry of the subdeacon, namely, to minister to the deacon the bread and wine offered, so that he may give them to the priest. However, despite these objections, I believe, with Croia, n. 2149, that in practice, the opinion should be followed, namely, that both the handing over of the chalice and the handing over of the book of Epistles are the closest matter for the subdiaconate, because it is not improbable. 747. — Question 2. Whether the chalice and paten in the ordination to the subdiaconate must be consecrated? There is no doubt from the necessity of the precept, but some deny it, namely, Bona, Henry, from the necessity of the sacrament for its value; but it must be affirmed with Paleari, Dicasterio, Sylvestri, and Salmeron, *ibid.*, n. 22, because the entire ministry of the subdeacon is about the vessels; and therefore, they

must be properly ecclesiastical, or sacred, in distinction from the priest who initiates, whose ministry, since it is not about vessels, does not require that the vessels be consecrated.

[*Latin ed. p. 567*]

The power, as held by Salm. in the same place, in the middle, with the Dicastery. And this, as Tamb. c. 3, §. 2, states, is morally certain. But to this, Croia also contradicts, n. 2mos, with the Palatine Dicastery of Sylvester, whose opinion seems to be one that should also be followed in practice. From what has been said, it follows that the duty of a subdeacon is to hand the chalice and paten to the deacon, and also to present the bread and wine as offerings of the people; then to solemnly chant the Epistle, and also to carry the cross in processions. But do subdeacons and deacons, when solemnly ministering, commit a mortal sin? It is probably denied by Vall., Vill., March., Diana, and Salm. in the same place, n. 23, against others, because they do not consecrate the sacred thing, nor do they elicit actions that confer grace through the action itself, to which they themselves, through sin, put an obstacle; however, they will sin at least venially. See what has been said on this point regarding the Sacraments in general, n. 38, 748. — Question II. What is the matter and form of the diaconate? The first opinion states that it is solely the tradition of the Book of Gospels, with its own form: "Receive the Holy Spirit for strength," and this is held by Palaus, p. 4, n. 10; Bon., p. 3, num. 4; and Vasq., Val., Reg., Vill., Diana, and Trull., apud Escob., l. 23, num. 165. And this opinion seems to be expressly stated in D. Th. Suppl., q. 37, art. 5, ad 5, where it is said: "In the very act of giving the book, a character is imprinted." The reason is, because in the Florentine Council, only the tradition of the Book of Gospels is assigned as the matter of the diaconate? And although the imposition of hands is necessary by the precept of the Church, it is not of the essence, since it is merely a rite introduced by the Church, or by the Apostles, as Gregory XI says in the chapter "Presbyter de Sacram." non iterand., where it is said: "When a priest and a deacon are ordained, they receive the imposition of hands by the physical touch (a rite introduced by the Apostles)." The second opinion, however, states that it is solely the imposition of hands; and this is held by Juenin., t. 7, p. 589; Merbes., p. 293, q. 48; Tournely, Præl. theol. de ord., quæst. 6, art. 3, in fine; Haberi, c. 7, q. 5, with Morino, and Becano; also Scotus, S. Bonav., Cajet., and Durand, apud Escob., n. 467. This is proven in 4 ways: 1. From Acts 6, where, when speaking of the ordination of the first deacons, only the imposition of hands is mentioned: "These they set before the apostles." 2. From the Fourth Council of Carthage, canon 5, where it is said: "When a deacon is ordained, let the Bishop alone lay his hands upon his head." 3. From the rite of the Greek Church, in which deacons are ordained solely by the imposition of hands. 4. By reason, because that is the matter of the sacrament, in whose application the Holy Spirit is transmitted,

namely, the grace of the sacrament; and since in the imposition of hands, the deacon receives the Holy Spirit, as is evident from the formula, "Receive the Holy Spirit for strength," etc., therefore, the sole imposition of hands is the essential matter of the diaconate; and indeed, in those.

[*Latin ed. p. 568*]

Twice, "Receive etc.," it is shown clearly (as we have said) by the Council of Trent, session 23, canon 4, where it is stated: "If anyone should say that the Holy Spirit is not given through the sacred ordination, and therefore to say to bishops: 'Receive the Holy Spirit' is futile, let him be anathema. Nor does the passage in the aforementioned chapter, 'Presbyter,' contradict this; for (as Bellarmine states in *De Ordine*, chapter 9), this imposition of hands is said to have been introduced by the Apostles, not because they instituted it themselves, but because they were the first to perform it, having received it from the Lord." The third opinion states that both (namely, the tradition of the book and the imposition of hands) are essential matter; thus, Bellarmine in *De Ordine*, chapter 9; Lugo in *De Sacraments*, book 2, number 401; Petrocchi, volume 4, page 228, question 4; Layman, chapter 5, number 2; Holzmüller, number 70; Salm in *De Ordine*, chapter 3, page 4, number 28, with the *Dizionario di Gran* and Escobedo, number 167, with Soto, and Led. Ratio, because the Church, by the power given to it by Christ, has determined that, with respect to the Greeks, the sole essential matter of the diaconate is the imposition of hands; with respect to the Latins, however, besides the imposition of hands, it is the tradition of the book. With these things established, I say that the first opinion is probable, the second is more probable, the third is still probable, and therefore all should be followed in practice, insofar as they pertain to the value of the sacrament. 749. — Question III. What is the matter and form of the priesthood? There are also three opinions present. The first opinion, held by Fagnanus in the chapter on the priesthood in *De Sacraments, non iterand.*; Soto in book 4, book 24, question 1, answer 4; also, Ango and Nugnus, as cited by Salm, ibid., page 5, number 40, states that the matter is solely the tradition of the instruments, and the form is those words which the bishop pronounces during the tradition of the instruments, namely: "Receive the power to offer sacrifice to God, and to celebrate the Mass, both for the living and for the dead, in the name of the Lord." And with this sole matter and form, they say that the power to both sacrifice and to absolve sins is conferred. They prove this from the decree of Eugene IV to the Armenians (related by Croice, number 2128), where it is stated: "The order of the priesthood is conferred through the offering of the chalice with wine, and the paten with bread." But this opinion is not commonly accepted by Doctors of the Church. See Salm in *De Ordine*, chapter 3, page 5, number 41. The decree of Eugene will be explained further below. The second opinion, held by Bellarmine in *De Ordine*, chapter 9; Estius in book 4,

book 24, section 24; Layman, chapter 5; Holzmüller, number 70; Escobedo, number 158, with Soto, and Henricus, and Salm, ibid., number 39, with Vasquez, Led, Diana, etc., states that in the ordination to the priesthood, there are two essential matters, namely, the tradition of the instruments, by which the power over the body of Christ in reality is conferred, namely, to sacrifice, with the form: "Receive the power, etc.," as mentioned above; and the imposition of hands, by which the power over the body of Christ mystical is conferred, that is, to absolve sins, with the form: "Receive the Holy Spirit, whose sins you remit, they are remitted to them."

[*Latin ed. p. 569*]

It is required that the instruments of Holy Orders be delivered with the formula: "Receive the power, etc.," as evidenced by the decree of Eugenius mentioned above, and from *Decretum Gratiale*, question 37, article 5, where it is stated: "In the very act of giving the chalice, the priestly character is imprinted through the determined words." Furthermore, it is required that the laying on of hands also take place, as evidenced by Scripture, Acts chapter 13, verse 3: "Then they fasting and praying and imposing their hands upon them, sent them away." And that the formula for this laying on of hands are the words: "Receive the Holy Spirit," is proven from the same Council of Trent, session 23, canon 4, where it is declared that the Holy and Spirit is given through the sacred ordination, and it is not superfluous for the Bishop to say: "Receive the Holy Spirit." Therefore, when the Bishop says: "Receive the Holy Spirit, etc.," during the laying on of hands, the sacrament is perfected, and its grace is conferred. A third opinion, which is more probable, is held by Juenin, volume 7, page 589; Concina, volume 10, page 31, number 4; and Petrocor, volume 4, page 232, along with St. Bonaventure, Arcud, and Tournhem, in the cited locations, article 2, conclusion 2. Martene, Becanus, Menard, etc., state that both powers, the power to sacrifice and the power to absolve, are transmitted to the priest through the sole laying on of hands. It is called the "second" laying on of hands, because in the ordination to the priesthood, the Bishop lays his hands three times: first, when he extends his hands without saying anything; second, when, together with the priests, he extends his hands over those being ordained, and offers prayers; third, when, after Communion, he says: "Receive the Holy Spirit, etc." Therefore, they say that both powers are transmitted, not in the first (as is certain among all), nor in the third; for the third already presupposes consecrated priests, since they themselves, together with the Bishop, consecrate the Eucharist; but in the second, when the Bishop extends his hands with the assisting priests, as is evident from the Council of Trent, session 14, canon 3, which states: "The ministers of extreme unction are either Bishops or priests who have been duly ordained by them through the laying on (nota) of the hands of the presbyterate, that is, which is done by the Bishop with assisting

priests." This opinion is proven in the following ways: 1. From Scripture, as mentioned above, where mention is made only of the laying on of hands. The Council of Trent, session 23, canon 2, states that the sacred decrees teach with the most serious words those things that must be attended to in the ordination of deacons and priests; therefore, if the sacred decrees speak only of the laying on of hands, one must say that, besides the laying on of hands, nothing else is essentially necessary in the ordination; and this is indicated by that very word, while other things are only required as integral parts, namely, for a clearer declaration of the received power. 2. Because the Greeks are ordained through the sole laying on of hands; therefore, if the ordination of the Greeks is valid through the sole laying on of hands, then the ordination of the Latins must also be considered valid, since the entire value of the sacraments depends on the matter and form instituted by Christ the Lord, who (as is evident from Scripture) instituted the laying on of hands as the matter for ordination. Furthermore, it is added that...

[*Latin ed. p. 570*]

As noted by Benedict XIV in *De Synodo*, book 8, chapter 10, paragraph 5, according to the most learned Martene, the tradition of instruments was not introduced until the 8th or 9th century. Therefore, if priests were validly ordained previously by the simple imposition of hands, why not today? Those of the second opinion respond that Christ instituted the matter and form of the sacraments in general, and He left the Church the power to determine them in species, and to change them for just reasons; provided that the words and actions used express the effect of each sacrament. However, we maintain in the treatise *De Sacraments in genere*, number 12, that this opinion is less probable, and we have said that Christ specifically determined the matter and form (as to substance) of all the sacraments; for, as the aforementioned Pope Benedict XIV states in the cited passage, number 10, it is not sufficiently proven that Christ transferred this power to the Church, as supposed by opponents; rather, the opposite is deduced from the Council of Trent, session 21, chapter 2, where it is said that the Church has no power concerning the substance of the sacraments (to which, certainly, the matter and form belong), but only concerning their dispensation. It does not invalidate this, that Eugene IV, as mentioned above, assigned the tradition of instruments with the form: "Receive power," etc. For the same Pope Benedict XIV wisely responds, in the cited passage, number 8, to Morinus, Becanus, and Menardus, that Eugene only spoke there of the integral matter and form, which he intended to impart to the Armenians who wished to join the Latin Church, and therefore it was not necessary to assign them the imposition of hands, since they were already using it according to the Greek rite, by which they were previously ordained. Therefore, we say that Eugene did not change the matter and form of this

sacrament, but only added the tradition of instruments to the imposition of hands, as an integral part, as we have said. According to this third opinion, which, speaking speculatively, seems more probable to me, the authors of the aforementioned opinions disagree in assigning the form of the priesthood; for some, as Petrocorensis says (and Lugo in *De Sacramentis*, doubt 2, number 99 agrees in part), the form are the words spoken in the tradition of the chalice and paten: "Receive power," etc., because, as he says, there remains a moral connection between the imposition and the aforementioned form in the tradition of instruments. However, Morinus and Tournely, in the cited passage, perhaps more probably say that the form is the prayer that is said by the Bishop during the imposition itself; and the words: "Receive the Holy Spirit," etc., which are said in the third imposition, they say are merely declarative and confirmatory of what has been done, namely, the Holy Spirit having already been conferred in the second imposition. I have said that this opinion is more probable, speaking speculatively; for since the second opinion is also probable, this one must be followed in practice. Therefore, Croic rightly notes in number 1245, that the ordination performed...

[*Latin ed. p. 571*]

Without the second imposition of hands, the entire rite must be repeated, as also declared by the Sacred Congregation in the decree *Benedictus XIV*, book 1, chapter 1, number 43. The reason is that he who does not receive the power over the true Body of Christ, cannot also receive the power over the Body of Christ, which is the Church. However, if the ordination was performed without the third imposition of hands, only that part must be repeated.

750. — But, given that the opinion held in practice is that the delivery of the instruments is also an essential element of this sacrament, the following is questioned: 1. Is it of the essence of the sacrament that, along with the chalice and paten, both species, that is, the bread and the wine, be delivered? Probably, Bonaventure, page 3, number 3; Sanchez, book 7, chapter 3, paragraph 12, number 47; and Fillon, Henry, *Diana*, Dictionary, etc., apud Salmeron, *De Ordinatione*, chapter 3, page 5, number 45, deny this, and say that, although both species are to be delivered according to the precept, it is sufficient for the validity of the sacrament to confer only one. However, Holzmüller, with Tannenberg, Gobel, and Sporer, and Salmeron, ibid., number 47, with Grancisco, Philip, Ledonne, and Villalobos, and others, including Diana (retracting himself), more probably affirm that, because the delivery of only one species does not confer the direct power over the entire sacrament; and because the priestly power for offering sacrifice is indivisible (as we said concerning the Eucharist, number 306), and therefore cannot be conferred except for the complete sacrifice to be offered, it follows that if it is not conferred for both species, it is not conferred for

either. And because this opinion is probable, indeed more probable, it must be followed in practice, as Croix rightly says, number 2154.

754. — Question 2. Would a valid ordination take place if one touched the host, and not the paten? Commonly, Sporer, number 23; Tamborini, book 7, chapter 5, section 2, number 5; Holzmüller, number 80, with others; and Vasquez, Cono, Paleari, and Schilder, apud Croix, number 2153, affirm this, and they are almost certain. The reason is that the host and the wine are the substantial matter of the priesthood, by which the power over the Body of Christ is primarily signified; and the chalice and the paten are used according to the precept of the Church, solely for decency. And, consequently, Sporer and Tamborini say that, if the chalice with wine is delivered, and the host is mixed or placed there without the paten. This opinion truly seems very probable. But La Croix, in the same place, reports that two Doctors consulted by him judged such an ordination to be doubtful; and Bussaeus, volume 4, order number 2, and Bonaventure, page 3, number 44, seem to have the same opinion, where they said that it is safer to touch the paten and the host directly, according to the rite of the Church, so that the one being ordained does not expose himself to the danger of not receiving the orders. Indeed, in the decree of Eugene, the chalice with wine and the paten with the host are assigned as the matter of the presbyterate. And in the Pontifical, it is said: "And he touches the chalice and the paten together." Therefore, Croix, ibid. (to whom Mazzotta, volume 3, page 229, question 2, adheres), does not unjustly say that it is advisable to repeat such an ordination under a condition; although the first opinion seems almost certain, Lugo, in *Responsiones morales*, book 1, question 1, speaking of the sacrament of baptism, says: "Although the opinion denying the validity of the sacrament

[*Latin ed. p. 572*]

It should not be considered probable, nevertheless, there would be a sufficient reason for repeating the rite, because we can prudently fear that it might perhaps be invalid, or at least that, with the judgment of many Reverend Fathers, it might become probable with the passage of time. And in [the work] *Dubitates*, question 33, treating of the sacrament of Orders, he asserts the same thing, saying that even if someone could rest assured in the first ordination because of a morally certain judgment, he would not sin if, with an opposing judgment of others prevailing in number, for the sake of greater peace of mind, he were to be ordained again under a condition, which the Bishop can also licitly do for his benefit. And the reason seems to be that the very anxiety about the doubt, if it is vehement, is a just cause for repeating the ordination under a condition. And the same is felt by Croix, number 2145, with Gobato, who says that the sacrament of baptism can be repeated iteratively because of a doubt that is not openly vain.

752. — Doubt 3. Is a priest validly ordained who only touches the chal-

ice and paten, but not the host? The first opinion denies this, and Habert, volume 7, page 172, question 4, as well as Baucius and Villal, in Escobar, numbers 488 and 190, and Bernal, Faber, and Ferdinand, in Croix, number 2152, hold this opinion. These say that he should be ordained again under a condition, in order to be freed from doubts. And Bon and Bass, cited in the preceding doubt, do not dissent from this opinion, saying that it is safer to touch both the paten and the host, lest the one being ordained expose himself to danger. The second opinion, which is common and truer, affirms this, and Banch, *Consilia*, book 7, chapter 4, doubt 2, number 9, Wigandt, treatise 15, numbers 11 and 43, Gonet and Isamb, in Habert, *locus citatus*, Mazzotta, volume 3, page 229, Dian, part 40, treatise 46, resolution 89, and Salm, *de Ordinatione*, chapter 2, page 1, doubt *unio*, number 21, as well as Vasquez, Aversa, Trull, and Escobar, with Led. Vega, Marchino, Fict, Nugn, Dicast, and Scotus, Val. Con, Sporer, Rodr, and Gob, in Croix, *dictum*, number 2152, hold this opinion. The reason is that it is not prescribed by the Church that the host be touched immediately, but only the paten, as is clear from the Pontifical, where it is written: "The priest gives to each the chalice with wine, and the paten placed upon the host, and he receives it between the index and middle fingers; and he touches both the chalice and the paten together." Also, because the wine contained in the chalice is certainly not touched immediately; therefore, it is not required that the host be touched immediately; and therefore, for these reasons, and also because of the consensus of Doctors, it can rightly be said that this opinion is morally certain. Furthermore, Salm, *locus citatus*, rightly points out that, when ordaining, one should touch both the chalice and the paten, and the host (if possible), in order to free himself from all scruples.

753. — Doubt 4. Is someone validly ordained who only touches the chalice immediately, but not the paten? The first opinion, which is held by Ronoaglia, page 425, question 5, reply 3, Croix, number 2154, with Pal, Dicast, *de Ordinatione*, number 205, and Mazzotta, volume 3, page 229, says that this person should be reordained under a condition, because, in the Pontifical, as we have said...

[*Latin ed. p. 573*]

It is prescribed that the chalice and paten be touched, firstly because the touching of the paten at that time would be more of a moral act than a physical one. Secondly, as Palaus states in part 4, chapter 20; Ese, chapter 184; Diana in part 6, treatise 8, response 49, along with Bauny and Jo. Petit in *Tractatus*, book 7, chapter 5, section 2, number 6, along with Vasquez, Valdés, Hurtado, and others; also the Councils of Averse and Trull, as cited by Salm in *De Ordinationibus*, chapter 2, page 1, doubt number 21, it is said that this [action] is validly performed because, at that time, the chalice and paten morally constitute one [entity]. And this opinion is called "morally certain" by Prepositus and Bosco, as cited by Croico in the afore-

mentioned work. However, I believe it to be only more probable, but not improbable, and therefore it should be followed in practice. Therefore, I say, with the condition that such a [person] must be reordained in Clairac. 754. — Note that someone lacking the order of priesthood, or the episcopate, would invalidly exercise their functions. However, those lacking other orders may licitly exercise those functions if the orders are minor; illicitly, if they are major. Therefore, a cleric gravely sins who, without the order, solemnly exercises the office of a deacon, or subdeacon, and thereby incurs irregularity and excommunication, but this is the opinion of *capitula* 4 and 2 of *De Clericis non ordinatis*. See what is said on this point in book 7, number 360, of *De Irregularitatibus*. But do laypersons who act in this way incur the same penalty? See what is said about the Sacraments of Baptism, number 146, section 5, but doubt 4, where we have found a negative opinion to be safer. 755. — It is fitting to note something about the ordination of a bishop. A bishop cannot be validly ordained unless by another bishop, as stated in Hebrews 7. The greater cannot bless the lesser. Thus, Palaus, Sanchéz, Vasquez, and others, generally agree with Salm in *De Ordinationibus*, chapter 4, doubt number 2. For such an ordination, several things are required, namely, the imposition of the book of Gospels upon the shoulders of the one being ordained, the unction of the crown of the ordained, and the imposition of the hands of three bishops; also, the giving of the crozier and ring, as stated by Croico, number 2148. But is the assistance of three bishops required for validity, outside of a case of necessity? It is certain that this is required out of necessity, according to the decree of Nicaea, canon 1, chapter 4, and Carthage, canon 2, chapter 7. It seems certain that, in a case of necessity, an ordination can be validly performed by one bishop, according to the commission of the Pope, as asserted by Croico, number 2147, and Salm in *De Ordinationibus*, chapter 4, doubt number 4, along with almost everyone else, contrary to Palaus and Averse. For, as is commonly said, the Apostles acted in this way when they ordained bishops; and several Popes testify to this, as stated by Cardenas, and others, in Croico, number 2147, where there is also a decree of the Sacred Congregation which states that such an ordination is valid. But some say that three are always required, and so think Tournhem in *Praelectiones Theologicae de Ordinatione*, question 6, article 1, concerning the minister, and Holzmüller, number 76, as well as Bellarmine, Vasquez, and others, as cited by Salm in the aforementioned work, number 6. Thus, Pope Damasus wrote in his fourth letter against the chorepiscopi.

[*Latin ed. p. 574*]

It is clear that Bishops are not validly ordained unless by at least three Bishops. However, some deny this, such as Sanch. S. Anton. Azor, etc., as cited by Salm. in volume 8. Their reasoning is that in the Roman Pontifical, only one Bishop is said to be the consecrator, while the others are assistants;

and in other sacraments, only one minister is required. They cite canon 4 of the Apostles, as found in Clement, where it is stated: "If anyone has been ordained by a single Bishop, let him who was ordained be deposed." If he is to be deposed, then he was truly ordained. Both opinions are probable, and therefore, in practice, the first should always be followed, as is clear from proposition 4, condemned by Innocent XI. The reason is that, since it is highly probable (as we have said in number 738) that the episcopate is a true and distinct sacrament from the presbyterate, we must, in its ordination, follow the safer course to avoid a common detriment; otherwise, priests ordained by this Bishop would remain dubiously ordained.

756. — "4. A Bishop can confer the first tonsure outside his diocese upon those subject to him; because it is not an order." This is stated by Bonac. and others, as cited by Dian. in part 4, volume 4, page 143, against Sanch. Barbos. etc. But this is not certain. The question arises: can a Bishop confer the tonsure in another diocese without the permission of the local Bishop? Sanch. in Cons. l. 7. cap. 1. dub. 50. n. 2., along with Salzedo, and Barbosa in Trid. sess. 6. c. 5. de Reform., along with Garcia, Campanile, Acunna, and Narbonne, deny this, because in the Council of Trent, it is forbidden for Bishops to exercise pontifical functions in another diocese without the permission of its Ordinary, and since the first tonsure is considered an order, it cannot be conferred without pontifical functions. However, others, along with Busemb., as mentioned above, Bon. p. 2. n. 3., Toletus in lib. 1. c. 48. n. 6., or c. 49. n. 4., and Azor, Henr. Vill. Molf. etc., as cited by Barbos. and Lopez, Barbat. and Rebuff. apud Sanch., argue that, since it is the more common and probable opinion among theologians that the tonsure is not an order, it can and does well confer privately without pontifical functions, for which the permission of the local Bishop is not required.

757. — "2. When there is doubt as to whether an order has been truly conferred, for example, because the matter was doubtful, it can and should be iterated under a condition. However, when there are reasons on both sides that are equally probable for both nullity and validity, Dian. in p. 5. t. 3. r. 47., citing Gran., states that it can be iterated under a condition; indeed, it should be, if it is an episcopal or sacerdotal order: for example, if a priest or Bishop did not handle the sacred vessels, or the instrument in which the character is imprinted. However, this does not apply to a priest who immediately touched the paten, but not the host. However, the one who did not touch the chalice and paten while the form was being pronounced, but shortly afterward, Lugo in resolut. mor. lib. 4. p. 33., teaches that it is indeed possible to be ordained again under a condition, but not necessary. Dian. in l. c. rightly notes that even if someone fears that he may have been invalidly ordained, or does not remember whether he touched the sacred

vessels, or whether he...

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It should be considered that the matter has not been touched, and that the order should not be repeated, when mere forgetfulness, or fear, is not sufficient for a prudent and reasonable doubt, or probability. 758. — It is asked, how are the defects committed in ordination to be remedied? It must be distinguished: If the defect is concerning accidental matters, namely, if the unction of the hands of the presbyter who is to be ordained is lacking, then it must first be supplied by the same Bishop, if it can be done: thus Sanch. Cons. lib. 7. c. 4. dub. 43. n. 4. Elbel n. 28. Croix n. 2200. et 2204. and Salm. de Ord. c. 2. p. 2. n. 25. with Soto, Trull. and Aversa. Otherwise, if the person is ordained in this manner, and does not take care to have such a defect remedied, or if he ministers before the defect is remedied, he would sin gravely; but he would not incur irregularity, as rightly noted by Salm. de Ord. c. 2. p. 2. n. 25. in fin. and Sanch. n. 5. with Sylv. Soto, Tamb. Any. and Arm., because it is irregular for one to minister in an order which he does not possess: but here, he does possess the order. But would he who ministers before the remedy is provided, which should be done, incur irregularity for a doubtfully essential defect concerning the validity of the ordination? It seems that this should be denied; for he who is doubtfully ordained, cannot be said to be absolutely not ordained. It should be noted here, 4. with Salm. ibid. num. 26. Sanch. and Soto, that this is not understood when the defect is in a minor matter, but only in a grave one, namely, if the unction of the hands was lacking, or, as Salm. ibid. adds, citing Sanch., if the person being ordained did not recite the words of consecration with the Bishop, but Sanch. does not say this in the aforementioned passage; rather, he only says that if the person being ordained did not recite the Canon, that such a ceremony should not be repeated. It should be noted 2. with Croix n. 2200, and Aversa, that if the defect is hidden, it must be remedied secretly, in order to avoid scandal, and disturbance of others. But if the defect is concerning essential matters, namely, concerning the matter and form, then it must all the more be remedied. But here, the question is, whether the entire sacrament must then be remedied? Answer: I. If the sacrament consists of two parts, matter and form, as in the ordination to the priesthood (according to the probable opinion of many), namely, the chalice with wine, and the paten with the host, and the imposition of hands; then, if there is a defect in the preceding part, namely, in the presentation of the chalice and paten, then the entire sacrament must be repeated, because the power over the Body of Christ mystical is founded on the power over the Body of Christ real; otherwise, if the defect is in the subsequent part, because the power over the true Body of Christ has already been conferred, independently of the subsequent part. Thus Salmant. ibid. n. 31. and Croix n. 2204. and others, generally. Answer: II. If only part of the matter was

given, or if there is doubt whether it was omitted, in the ordination of a priest, and a Bishop, then the entire sacrament must indeed be repeated; hence, if the paten with the host was given, and the chalice without wine, the entire ordination must be repeated, by giving both parts, as say Elbel n. 28. and Croix n.

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2005. as Aversa, and many others; thus, it must be held absolutely, according to what was said in n. 750. However, Salm. de Ord. c. 2, p. 2, n. 32, states that this should be observed in the ordination to the priesthood and to the episcopate, but not in the case of other orders; because in these, if there is a probability that the value of the received order exists, the defect need not be remedied, since all of their power is received later through the reception of the priesthood. But this should not be admitted, at least, for the order of deacons; for in cap. Presbyter, concerning the sacrament that is not iterated, the Pontiff, speaking of the ordination of deacons, says that if the imposition of hands has been omitted, it must absolutely be repeated; and it is probable that the sole tradition of the book is of the essence.

759. — But should such defects, whether essential or accidental, be remedied at the time designated for the conferral of orders? Salm. de Ord. c. 4, p. 5, n. 79, with Granad. etc., state that they can be remedied at any time of the year. However, Croix n. 2200, and Sanch. l. c. n. 7, with Innoc. Panorm. and Arm. from the cited c. Presbyter, more commonly affirm that, when the matter is discussed of the imposition of hands in the ordination of a presbyter or deacon, it is said: "If it has been omitted, it is not to be iterated in some way, but must be carefully remedied at the appointed time for conferring such orders, which has been overlooked through error." However, it seems to me that a distinction should be made: if the defect is concerning the value of the sacrament, then it must be remedied at the time established by the Church, as the second opinion holds, and this seems not to be denied by the text cited below. Otherwise, it should be said that if the defect were accidental. However, Tamb. l. 7, c. 5, §. 2, num. 13, with Gran. and Quintanad. and Croix d. n. 2200, with Aversa, and Gob. and others universally, asserts that if the order is repeated solely out of doubt, under a condition or some ceremony, it can be repeated on any day, and by any bishop; and on the same day, both major and minor orders can be conferred simultaneously, using only the solemnities that are probably necessary for validity.

760. — "Resp. 4. A bishop cannot ordain, unless those who are subject to him," either by reason of origin (if, that is, they are born in his diocese), or by reason of domicile, because of their permanent residence there; or by reason of a benefice" existing in his diocese. Dian. p. 8, t. 2, res. 8. Laym. Præp. etc. "common." (Or, add, by reason of familiarity or service, from Trid. sess. 23, c. 9, concerning which see what is said in n. 780. However, he

who ordains someone who is not subject to him, without the license of his Ordinary, is suspended from the conferral of orders for a year, as is stated in c. Nullus, and in cap. Eos qui, de temp. ordin. in 6.) "However, if they are subject to him in any of these ways," he may lawfully ordain them, as is stated in c. Cum nullus, de tempore ordin. in 6., and according to the common opinion. Henriq. Less. lib. 2, cap. 34, d. 49.

764. — It should be noted that, according to Trid. sess. 23, can. 7, it has been defined that only bishops are the ordinary ministers of the sacrament of orders:

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The Bishop, however, even though elected and confirmed, although he may grant permission to his subjects to be ordained by another Bishop, cannot himself ordain, unless he is also consecrated; but a consecrated Bishop, even if he has been degraded and has renounced the episcopate, can validly ordain. This is in common with *D. Th. Suppl. q. 3. ar. 2*, *Salm. de Ord. o. 4. p. 1. n. 13, 14, and 15*. But here, there are more things to be discussed. 762. — Question 1: Can the Pope grant a simple priest the faculty to confer orders? Distinguish: while the tonsure and the minor orders can be conferred by any priest by the authority of the Pope, this is in common with *S. Th.*, *Soto*, and *Sanch*. See *Salm. ibid. n. 49*. However, they generally deny this regarding the priesthood, as the priesthood is the most excellent ministry, which should be conferred only by the supreme authority of the Church, which is the Bishop. Thus, *S. Th. d. q. 38. ar. 1*, and *Palaus, Aversa, Nugn., and Granad.* with *Salmant. ibid. n. 25*, against *Escob. n. 228* with *Innoc. IV*, *Vasq.*, *Angl.*, *Hurt.*, etc., who say that nothing prevents the Pope from granting a simple priest the faculty to ordain even priests; and they prove this from the Council of Antioch, canon 10, where, after it is said that chorepiscopi can ordain subdeacons, it is immediately added: "Nor should they dare to ordain a presbyter or a deacon, except with the knowledge of the Bishop, that is, without his knowledge; therefore, they could do so with his knowledge and consent." They say that chorepiscopi were simple priests, in which they agree with *Morinus* and *Thomassinus* apud *Tourn. Præl. theol. de ord. quæst. 6. art. 1. de chorepisc. v. Una*. But *Tourn.* rightly responds the same, *ibid. Bonac. p. 4. num. 3*, and *Pal. p. 14. num. 9*, with *Bellarm.*, *Conc.*, and *Laym.*, that chorepiscopi were truly Bishops, but suffragans, who could not ordain without the consent of the Bishop of the city; and they prove this from the same Council of Antioch, d. can. 10, as related by *Tournely* in the cited place, where, before the words mentioned above, it is said: "Those who are called chorepiscopi, although they are consecrated as Bishops, etc." Therefore, the question is about the diaconate and the subdiaconate. Some affirm, as *Croix n. 2212*, *Holz. n. 85*, see *Dices 3* with *Vasq.*, *Tann.*, *Henno*, and *Herinc.*, *Ronc. p. 425. c. 2. q. 1* with *Diana*, *Pal.

p. 14. n. 40* with *Victor* and *Major*, and *Escob. n. 225* with *Rodr.*, *Trull.*, *Hurt.*, *Gab.*, *Aversa*, *Ang.*, etc., and they prove this from the indulgence granted to the Abbots of Cîteaux by Innocent VIII in the year 1489, whose bull they cite, namely: "That the monks may not be forced to go outside the cloister to receive the orders of subdeacon and deacon, we grant to you and your successors, by apostolic authority, that you may confer the orders of subdeacon and deacon upon religious." Others, however, deny this, as *Sot.*, *Bell.*, *Gon.*, etc., with *S. Th.*, who expressly teaches in *3. part. q. 3. art. 1. ad 5* that the Pope cannot entrust a simple priest with the task of...

[*Latin ed. p. 578*]

Greater orders are conferred. Others, indeed, with Salm. de Ord. c. 4, p. 4, no. 28, Led. Gran. Avers. Suar. etc., deny the validity of the diaconate, whose ministry is immediately related to the Body of Christ, by distributing it to the faithful; they affirm, however, the validity of the subdiaconate, because its office does not have such an immediate relation to the Body of Christ. They do not say that this contradicts the teaching of St. Thomas, for (as they say) the Doctor only excluded the greater orders, which have always been considered sacred in the Church, as is inferred from the words of the Angelic Doctor himself, who speaks of orders that have an immediate relation to the Body of Christ; but it is known (as Tourn. loc. cit. quæst. 6, art. 4, and as we have said l. 4, n. 834) that the order of subdeacons was not considered among the sacred orders until the 11th century, by Urban II, as is stated in cap. A multis, concerning age and quality. Furthermore, the subdiaconate does not have an immediate relation to the Body of Christ, as St. Thomas says; only priests can consecrate the Eucharist, only deacons can carry it or minister it. Regarding the indult granted to the Cistercians to confer even the diaconate, Salm. n. 29, along with many others, doubts; or they say that it is probable that the Pope followed the opinion of those who say that the Pontiff can rightly dispense in this matter. 763. — Question 2. Can abbots confer the tonsure and minor orders on others, besides those who are subject to them by their rule? Formerly, they could do so, according to a privilege granted to them in the 7th Synod, as is stated in cap. Quoniam, dist. 69. However, the Council of Trent, in session 23, c. 40, decreed thus: "Abbots... are not permitted... to confer the tonsure or minor orders on anyone who is not a subject under them by their rule..., notwithstanding any privileges..., customs, etc." Nevertheless, Escob. n. 210, Sanch. Con. l. 7, c. 4, dub. 19, n. 20, along with Cov. Archid. Felin. etc., and Salm. de Ord. c. 4, p. 2, n. 35, along with Molf. Leand. and Aversa, consider it highly probable that abbots (at least primates who have episcopal jurisdiction, as these same authors limit, Sanch. n. 23, and Salm. l. c. along with Molf. Aversa, etc., against others who grant this to all abbots) can even today confer minor orders not only on those subject to them, but also on seculars, who

have received letters of dismissal from their prelates. They admit, however, Salm. ibid. no. 38, along with Laym. Azor, Tamb. Leand. etc., that abbots who are esteemed, and blessed by the Bishop, or who have the power to exercise pontifical functions, as Philib. says, ap. Salm. de Ord. c. 4, p. 2, n. 32, can ordain seculars who are subject to them, or others who have letters of dismissal from their prelates; because these, by reason of the license of their prelates, already become subjects of the aforementioned abbots. And thus, Barbosa, Diana, and others, ap. Salm. ibid. n. 38, in fin., testify that it has been decided several times by the Holy See. But all these opinions are no longer probable today, as is stated in the decree of the Sacred Congregation of Councils.

[*Latin ed. p. 579*]

Published on January 47, in the year 1642 (as detailed in Croix, no. 2190, and Fagnon, in *De Consecratione Ecclesiastic*, chapter 8 to 49, and also mentioned by Benedict XIV in *De Synodo*, book 2, chapter 44, no. 42). Approved by Urban VIII, and ordered to be inviolably observed, it was decreed, rejecting all contrary opinions, that Benedictine abbots of the congregation of Monte Cassino, or of another congregation, order, or institute, even those possessing episcopal rights and the faculty of conferring minor orders, cannot ordain, besides their own regular subjects, others, whether regular or secular, even those holding dispensations from their Ordinaries. And it is stipulated that both those who ordain and those who grant dispensations shall be suspended if they act otherwise. Furthermore, it should be noted that the same Sacred Congregation, on December 17, 1718 (as reported by the aforementioned Benedict XIV, no. 45), declared in a certain case concerning the abbot of Saint Rufillus, that even if it were established that the aforementioned abbot had a separate territory in which he held jurisdiction as a bishop, he could not grant letters of dispensation to his subjects, because it was contrary to the decree of the Council of Trent, session 23, chapter 40, which states: "Nor can abbots, and others exempt, or colleges, or chapters, even of cathedral churches, grant letters of dispensation... to secular clergy, so that they may be ordained by others, but their... ordination pertains to the bishops, within whose dioceses they exist." However, certain abbots are to be excepted (as noted by the aforementioned Benedict XIV, no. 46), who, by a special privilege obtained after the Council of Trent, can grant letters of dispensation to their secular subjects, such as the abbot of Monte Cassino by the privilege of Sixtus V, and the abbot of Cava de' Tirreni by the privilege of Paul V, and others who are noted in the Chancery of the Cardinal Vicar of Rome. But can abbots, who are not located in a foreign diocese, but who have their own and complete episcopal jurisdiction, grant letters of dispensation to their secular subjects? This is affirmed by Croix, book 6, page 2, no. 2234, citing Aversa with Molfetta, who present the declaration of the Sacred Congregation, and

Marchini, who presents the decision of the Rota. But Father Zacharias, in the same place, reports that the opposite has been decreed, both by the Sacred Congregation and by the Sacred Rota. Furthermore, abbots who have the privilege of conferring minor orders can also, in good order, grant dispensations, as the Sacred Congregation decided in response to a mandate from Clement VIII, as reported by Croix, book cited, no. 2236, 764.

Here is a doubt: 1. Can abbots who can ordain their own regular and professed subjects also ordain their novices? Palaus, no. 14, and Barbosa, Sayr, Rodr., etc., apud Escob, no. 214, deny this, because novices cannot properly be called regular and subjects, as long as they are freely able to return to the world. But Laym, chapter 9, no. 2, Sanch, *Decretum*, book 6, chapter 10, no. 22, Escob, no. 213, with Suar and Salm, *De Ordinatione*, chapter 4, page 2, no. 39, with Leand and Pellican, and Croix, no. 2199, consider it probable, because, by name, novices are included among the regular subjects in favorable cases.

[*Latin ed. p. 580*]

765. — Whether such candidates ought to be ordained by the Bishop of the place where the novitiate is located, or by the Bishop of their origin or domicile? Suarez, and Henry, *ad Croix*, n. 2499, hold that they ought to be ordained by the Bishop of their origin or domicile. But Sanchez, *Decr.*, book 4, chapter 39, n. 20; Palafox, p. 14, n. 8; and Delbene, *dub.* 3, section 8, n. 7; and Fagnan, with others, in *Cum inter vos*, on the matter and reason of judgment, n. 8, hold that they can rightly be ordained by the Bishop of the place where the novitiate is, because the novices residing there already have the intention of remaining there permanently. Both opinions are probable, as Croix rightly says in the aforementioned passage, and Mazzola, volume 3, p. 242. However, (I must add this entirely), the novice must have resided in the novitiate for a considerable time, and must give an oath there (to the best of his ability) of remaining there permanently, according to what is said in n. 770, ad V.

766. — Doubt 2. Can Abbots validly ordain those who are not subject to them? Suarez, Aversa, and Croix, n. 2494, deny this. But Sanchez, Pell, Tamburrini, etc., with Salm, *de Ord.*, chapter 4, p. 2, n. 40, more truly affirm this, because such a faculty has already been granted to Abbots in the body of the law, as in *Quoniam*, Dist. 69. However, the Council of Trent and the aforementioned decree of the Holy See seem to have prohibited the exercise of such a faculty; therefore, Abbots illicitly ordain, but not invalidly. And thus (as Benedict XIV reports in *de Synodo*, book 2, chapter 14, n. 43), it was declared by the Holy See on November 23, 1641, and confirmed on March 16, 1726, that those ordained by Abbots having such privileges require only absolution and rehabilitation from the Apostolic See, but not reordination, since they are validly ordained. This is more evident from the decree approved as mentioned above by Urban VIII, where it is stated that

those ordained by such Abbots are suspended, therefore, they are already considered validly ordained.

767. — Note 2. It is probable that a minister conferring minor orders in a state of mortal sin does not commit a mortal sin, since it is sufficiently probable that such orders are not sacraments, according to what is said in n. 736. However, it is certain that both the minister (even conferring minor orders) and the recipient, if burdened with some censure, will gravely sin and incur irregularity by performing the act of ordination; likewise, the recipient, if he receives the order while burdened with a censure, will also sin and incur suspension from the order received. See Salm, *de ord.*, chapter 4, p. 5, n. 71.

768. — Note 3. Regular Canons, from the chapter *Cum Nullus*, §. fin. of the decree on ordinations, must receive orders from the Bishop in whose diocese the monastery is located, where they are then residing. And although Pope Pius V granted a privilege to Religious, so that they could be ordained by someone other than the Bishop of the place where they reside; nevertheless (as the Council reports, p. 35, n. 40), Gregory XV revoked this privilege; and this revocation was confirmed by Clement VIII and Benedict XIII in the *bulla*, *In suprema*, issued on September 23, 1724, and most recently by Pope Benedict XIV in the *bulla* that begins, *Impositi nobis*, in the year 1747. Also, it should be noted that the Holy See (as...)

[*Latin ed. p. 581*]

(As Ronc. states in chapter 2, question 3,) a decree was issued by the mandate of Clement VIII, in which it was declared that, if the Bishop does not have ordination, then the superior may grant dispensations to his subjects to be ordained by any other Bishop. However, it is stipulated there for the Regulars not to delay the ordinations of their subjects at a time when the diocesan Bishop is not to receive ordination, or is about to depart, contrary to what Gob. states in *Ad Croico*, number 2193. And it is stipulated that this decree must be observed under the penalty of deprivation of voice and office. All of this was confirmed by Benedict XIV in the aforementioned bull, and furthermore, he established that if the diocesan Bishop is absent, or does not have ordination, no religious may be ordained by another, unless he presents a certificate from the vicar general, chancellor, or secretary of that same Bishop; otherwise, both the ordaining priest and the one thus ordained incur the censures and penalties that are incurred by those who are ordained by any Bishop without dispensations. Furthermore, it is established that such a Regular must be examined by the ordaining Bishop. It is also established that the privileges of any order, such as the ordination of its religious by any Bishop, must be specifically stated, and not merely by communication. It is also established that Regulars may not leave their place of residence in order to be ordained, and then return to their former domicile, in order to be examined by the local Bishop. Ronc., with Fag.

and Passer., states that if a monastery is located in a place belonging to no diocese, then its religious may be ordained by the nearest Bishop. All Regulars receive dispensations from their superiors. See the aforementioned numbers 790 and 769. — Note IV. To lawfully receive orders, it is required by the Council of Trent, session 23, chapters 3 and 8, that one be ordained by one's own Bishop, or by a foreign Bishop, but with the permission of one's own Bishop. However, if one does so without permission, he sins gravely, and is suspended from the exercise of the order received, until his own Bishop wishes it; and the ordaining priest incurs suspension from conferring orders for a year: and in the meantime, if the suspension is notorious, whether de facto or de jure, his subject clergy (but not lay people) may be ordained without his permission by neighboring Bishops, as is expressed in chapter 2 of the *De Tempore Ordinationis*, numbers 6. — Here, it is most important to note what is established regarding this matter in the bull *Speculatores*, issued in the year 1694 by Innocent XII, which is extensively cited in *Ad Croico*, number 2165, and which contains the following: I. It is not sufficient that someone is about to receive a benefice from a Bishop, in order to be ordained by him, or to receive the first tonsure. II. One who has received the tonsure, or lesser orders, from one's own Bishop, cannot be further ordained by another, unless he first presents letters of attestation from the Bishop of both his origin and his domicile, regarding his birth, age, and character. III. No Bishop, even if he is a Cardinal, may ordain someone who is not subject to him.

[*Latin ed. p. 582*]

By reason of origin, or domicile, one may be promoted to the clerical tonsure under the pretext of immediately conferring upon him some ecclesiastical benefice, or to which he has been presented or nominated by patrons. Furthermore, in order that one may be ordained by a Bishop not of his own diocese, under the title of a benefice, it is required that the benefice be actually held, and that it be sufficient in itself to provide for a suitable livelihood without the need for supplementation from personal property. Therefore, it is not well that Salm. de ord. c. 4. p. 3. n. 51, along with others, say that even a small benefice is sufficient for the title to receive Holy Orders. Although (as Croia rightly notes, n. 2177, with Bon. Barbos. and others, against Less. etc.), with regard to other effects, any small benefice is sufficient to make one a subject. However, the suitability of a benefice with regard to the effect of ordination is to be seen in the aforementioned section, n. 845, note 4, IV. He who is born in a certain place must be ordained by the Bishop of the place where his father was born (unless the father, after being born there, has established his domicile elsewhere). However, he must obtain testimonial letters if he has resided there for so long that he may have incurred an impediment there. Likewise, he needs testimonials from the Bishop of his origin, if he has similarly incurred an impediment in the place

of his origin. V. Only he is to be considered a subject by reason of domicile, who comes to a place with the intention of remaining there permanently, and proves this intention either by residing there for ten years, or by building a house and removing the greater part of his property, while also residing there for a considerable time; and he must swear that he had this intention at that time. VI. In order that a Bishop may ordain someone under the title of familiarity, it is necessary that he have supported him for three years in his actual service, and that he confer upon him within one month a benefice sufficient for a suitable livelihood, along with testimonials from the Bishop of origin and domicile. VII. The Bishop of origin, or domicile, can request that his subjects, even if they have been ordained by another Bishop with a dispensation, present within a certain time testimonials of the Holy Orders they have received, in which it is stated that they have observed what is prescribed in this decree; otherwise, he can suspend them from the exercise of the Holy Orders they have received. 774. — • 4. He who is born in one diocese, has his domicile in another, and a benefice in a third, can receive Holy Orders, or dispensations, from any of the three Bishops. Laym. l. 5. t. 9. c. 9. Dian. p. 8. t. 2. r. 8. and 9. where, along with Aversa, and three others, he says that, even if he has received one order from one of them, he can receive another from another. (See the aforementioned section, note II.) 772. — • 2. One can be ordained as of origin, where he himself, or his father, was born. Barb. Zerol. Aversa, and nine others with Dian. p. 8. t. 2. r. 12. However, one cannot be ordained by a Bishop in whose diocese he was born accidentally: e.g., because his mother resided there for the cause of travel, or business, because he does not acquire the right of origin there, but where the parents have their domicile.

[*Latin ed. p. 583*]

They hold this opinion; for he is believed to have been born there. Sanchez and others, eight, with De Dieu, p. 8, vol. 2, chap. 14, against Hurtado (See preceding note, chap. IV). 773. — ″3. He who has two residences in different dioceses, in which he dwells equally, although not mathematically, can be ordained by the bishop of either place, because he is subject to both by reason of his residence. *Praepos.*, loc. cit. Sanchez, Aversa, etc., with De Dieu, p. 8, vol. 2, chap. ″40. However, his son can be ordained only by that bishop in whose diocese he was born. If, however, he is born fortuitously outside the diocese of either, he can be ordained by either; because each is considered to be his bishop by origin, since there is no greater reason for one than for the other. *Praep.*, De Dieu, loc. cit. ″Born″ out of wedlock follows the domicile of the mother, rather than the father. *Praep.*, De Dieu, loc. cit., chap. 48. 774. — One can be ordained by the bishop of a benefice, even if the benefice is simple, provided it is perpetual, and he already possesses the right to be instituted in it. The same is said of one holding a perpetual prebend, which passes into a title.

Thus, Sanchez, Trull, Av. Phil., etc., with Salm., *de ord.*, chap. 4, p. 3, note 51. Tamb. says in *de Ord.*, chap. 8, note 24, with De Dieu, Bord., and Salm., cited in note 54, with the same authors, that even a small benefice is sufficient; but this is expressly disapproved in the bull *Speculatores*, note 770, ad v. III, from which it is required that the benefice be sufficient for one's support, without the addition of patrimony, see apud Croia, note 2168. And it should be noted with Croia, note 2178, that a title of servitude, or of a church, or of masses, is not sufficient; because these are truly not benefices. As for whether charges for masses should be deducted from a benefice; the Sacred Congregation (as reported by Benedict XIV, *Notif.* 26, note 6) on July 17, in the year 4723, answered that this should be left to the judgment and conscience of the bishop. Note, however, that in our kingdom, a benefice, in order that one may be ordained with it, must amount, after deductions, to at least half the tax established for the patrimony. See below, note 830. 775. — But doubt 4: Can the bishop of a benefice dispense in impediments with someone, just as he could dispense with someone the bishop of the domicile? Navarrus and others deny this; but it is truer, as Barb. argues, chap. 4, note 54, and Salm., ibid., note 53, with Garc. and Trull. Because, since the one to be ordained is already subject to the bishop of the benefice with regard to orders, he is also subject to him with regard to all matters concerning orders; provided, however, that there must be a necessity or utility (respectively to the order conferred) for the Church to which the one to be ordained belongs, according to what is said in note 795. 776. — Doubt 2: Is it proper for a bishop to ordain someone to whom he has granted a benefice, so that he may be able to ordain him? Quaranta, Barb., etc., deny this, apud Salm., *de Ord.*, chap. 4, p. 3, note 54, because such a grant would be fraudulent. But it is very likely that it is possible, as Tamb. argues in *de Saer. Ord.*, chap. 8, note 21, with Leantr., Bord., De Dieu, and others; and this opinion is favored by Salm., cited in note 54, with Trull. The reason is, because in no way...

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He who seeks revenge, acting according to his own right, does not violate the law, as stated in Reg. juris, book 6. One is not considered to have fulfilled his duty by seeking revenge according to his own right. However, it is held in c. that no one, from the time of the order, can be ordained by a bishop for the benefit of another. 777. — 4. He who holds benefices in different dioceses can be ordained by any of those bishops. Carc. Præp. l. c. etc. Dian. p. 8. t. 2. r. 25. (Salm. ibid. n. 45, with Pal. Trull., etc., also say the same. In the explanations, the place where the explanations are given must be considered. Salm. ib. n. 47.) 5. Students who reside in a university, even for more than ten years, with the intention of returning to their homeland, do not acquire domicile there, and therefore cannot

be ordained by the bishop of that place. Indeed, if they marry and have children there, neither the husband nor the children are considered to be under the jurisdiction of that bishop, just as the husband is not considered to be under the jurisdiction of the bishop of his origin with respect to his children, who are born in the husband's domicile. Dian. p. 8. t. 2. r. 15. and 17. 778. — Note 1: Although, for other purposes, including receiving the sacraments, it is sufficient to begin residing somewhere with the intention of remaining there permanently, for the purpose of receiving orders, in addition to the aforementioned intention, other conditions are required, as enumerated in d. n. 770, v. V., of the bull Speculatores, and especially the oath regarding the intention of remaining there permanently. It should also be noted that, in order for someone to be ordained on the basis of domicile, it is required that he take an oath regarding the domicile acquired there, as stated in S. C., which is cited by P. Zachar. in Croix, l. 6. p. 2. n. 2176. Furthermore, a son living separately from his father can acquire domicile, according to l. Placet and l. Non utique, B. Ad Munif. The same was decreed by S. C. (as testified by P. Zachar. n. 2180.) regarding an infant or a minor. However, Sanch. de matr. l. 3. d. 23. n. 1. and 2. Bonac. p. 4. n. 11. and 12. Pal. p. 15. and Salm. de Ord. c. 4. p. 3. n. 48, with Aversa, Trull. Dic., and Philib., rightly point out that if someone, after acquiring domicile, has the intention of moving elsewhere, he may well be ordained by the bishop of the place where he resides; for the loss of domicile requires not only the intention of leaving that place, but also actual departure, as is evident from several declarations of the Sacred Congregation, as cited by P. Zachar. in Croix, l. 6. c. 2. n. 2176. 779. — Note 2: Barons, and their sons, enjoy the domicile of their fiefs, even if they do not reside there, and therefore can be ordained by the bishop of those fiefs. Thus, Barb. Avers. apud Croix n. 2180. Salm. ibid. n. 50, with Sanch. Trull. Gob. Barb. Rebuff. apud Croix ibid., say the same regarding senators and permanent officials of a certain place, and their sons; but Croix ibid. rightly states that these are not in conformity with the intention of the bull Speculatores, as we have seen, which requires that, in order to be ordained on the basis of domicile, one must remain there for a considerable time, and have the intention, and swear to remain there permanently.

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780. — It can also happen that someone is subject to the Bishop concerning the reception of orders due to familiarity, or service: provided that (as decreed by the Council of Trent, Session 23, chapter 9) he has resided with him for three years, and the benefice, with any fraud ceasing, is conferred upon him immediately in reality. Vasquez believes that it suffices if the Bishop intends to confer the benefice when it becomes vacant; but, commonly, Aversa, Philip, and others with Salmeron, ibid., number 55, state that the benefice must already be vacant; although it may not be con-

ferred before ordination, as Sanchez and Ledo state with Salmeron, ibid., number 56. However, according to a related bull, it suffices if the benefice is conferred within a month. See number 770, ad v. VI. The Sacred Congregation has declared that the Bishop cannot ordain anyone under the title of familiarity, even if he gives him a pension or an inheritance. See P. Zacharias, in Croix, book 6, page 2, number 2174. By the name "familiar," are understood all those who serve the Bishop and live at his expense, even if they do not reside in his house, provided they live in a place where the Bishop is, or nearby; otherwise, if they are distant by ten leagues, as some say; or two days' journey, according to others, apud Salmeron, de Ord., chapter 4, page 3, number 56, in the note. Barbatus, in de offic. Episc., allegation 5, numbers 42 and 43, with Garcia and Armendariz, who refer to a decision of the Sacred Congregation (contrary to Escobar, number 350, who cites Marchinus and Leandrus in his favor), states that the Bishop can ordain his familiar, who has served for three years, even under the title of inheritance or pension, for the necessity or benefit of the Church, to which he is assigned; indeed, Vasquez and Gabriel believe that he can ordain him even if he does not have an inheritance; but Barbatus rightly calls this opinion false, ibid. Furthermore, Renzi, de Ord., chapter 4, section 3, question 43, and Barbatus, number 8, with Garcia, Riccio, and Molfetta (who also assert that it is a decision of the Sacred Congregation), state that three years that have not yet begun suffice, before the person became a Bishop. However, Renzi, in the same place, with Palafox, Tamburrini, Marchinus, and Leandrus, and Barbatus, number 9, with Molfetta and others, commonly state that the three-year period must be continuous; this, however, is to be understood morally, so that Renzi, ibid., believes that the three years are not interrupted if the familiar departs for some time; and he proves this from c. fn. de verb. sign., number 6, where, when asked who came in the name of his clerics, the Pope answered that clerics who are familiars, domestic, and commensal, came, even if it sometimes happens that they are absent for their business. Also, Renzi, question 42, Sanchez, book 7, chapter 4, doubt 27, number 3, and Barbatus, number 14, with Navarret, Sayreras, Ugolini, and others, state that the Bishop cannot grant a dispensation over impediments when ordaining a familiar to the title of a benefice that is to be conferred immediately, because he is not yet subject; and thus, Gircia reports a decision of the Sacred Congregation, apud Renzi, in the same place. However, he can certainly grant a dispensation after the benefice has been conferred, because, by reason of the benefice conferred, he becomes subject, as Piasecki and Campanile state apud Barbatus, number 45, and Pitton, de Episc., number 292, also reports that this was decided by the Sacred Congregation, on May 26, 1594. But it must be understood (as we

said in number 775), if there is a necessity or benefit for the Church.

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It is inquired whether the servants of a Bishop may be ordained by him under the same title. Sanchez affirms this in *Consilia*, book 7, chapter 4, question 20, number 24; Diaz affirms it in *Parergon*, part 4, treatise 4, response 145; and Salmeron affirms it in *De Ordinatione*, chapter 4, page 3, number 57. However, Henry objects, stating that this is only permissible if the Bishop allows his servants to have more attendants, so that he may ordain them; and if all are maintained at the Bishop's expense, as is noted by Salmeron with Henry. The reason is that these individuals are truly considered as servants of the Bishop himself.

II. QUESTION: What is required for valid ordination?

781. What constitutes valid or invalid ordination?

782. Are infants validly ordained?

783. What is required for someone to be validly ordained, according to Busembach?

784. I. That he is a traveler, not a neophyte, not a child, not a hermaphrodite, not irregular, etc. Do those who are irregular remain ordained, etc., even if the Bishop protests and does not intend to ordain them?

785. II. The intention of becoming a cleric.

* Question 1. Does the recipient of the order sin if he intends to dedicate himself to a higher purpose?

* Question 2. Does a cleric sin in minor matters if he leads a dissolute life?

* Question 3. Does the recipient of tonsure sin if he seeks it to avoid military service?

786. III. That he is confirmed.

787. IV. That he has letters of dispensation.

* Note 1. Bishops are regularly bound to ordain within their own diocese.

* Note 2. A license granted does not expire with the death of the grantor.

* Note 3. A confirmed Bishop can grant letters of dispensation, but not one who is suspended, etc.

* Note 4. A Bishop can grant these even while residing in another diocese.

* Note 5. However, a vicar general cannot.

788. Note 6. What about the situation when the See is vacant?

* Note 7. What about abbots?

* Note 8. From whom should religious obtain these dispensations?

* Note 9. What if the Pope grants permission with the condition that someone be ordained only by his own Ordinary?

* Note 10. Can a Bishop ordain someone who has letters of dispensation?

* Note 11. Should the ordination be made with a specific Bishop designated?

* Note 12. Is a license from the Ordinary sufficient?

789. Question 1. Can a Bishop ordain a foreigner under the ratification of another?

* Question 2. Can a Bishop who ordains dispense with something concerning a foreigner, such as an irregularity?

790. V. Examination of knowledge, according to the quality of the order received.

781. Question 1. What should a priest know, especially concerning the sacrament of penance?

* Question 2. Are the illiterate irregular?

* Question 3. Is less knowledge required in religious orders?

792. What else should be noted concerning the examination?

786. VII. That the orders be received gradually.

794. VIII. That the orders be received at the proper time. Is it permissible to ordain more than two minors on feast days?

785. IX. That intervals be observed.

796. Does someone who receives two sacred orders on the same day incur suspension? What if he receives one on Saturday and another on Sunday?

* Question 1. Is this suspension of perpetual force?

* Question 2. Does someone incur suspension if he receives two sacred orders without observing the intervals?

797. Is it permissible to receive four minor orders and the subdiaconate on the same day?

* Question 1. Does contrary custom excuse this?

* Question 2. Does someone who is ordained in this way incur suspension?

* Question 3. Can religious be ordained outside of the proper time?

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4. Can they, in fact, be ordained on any feast day with a double octave? What about those who are to be initiated within three festive days?

709 X. In order to preserve the due order, and the presence of the Bishop within his own diocese.

709 XI. Also, certain obligations; otherwise, a suspension may be incurred.

Doubts:

1. Does one incur [an impediment] if ordained before the age prescribed, due to crass ignorance?

2. Can one, ordained in bad faith before the age prescribed, validly exercise the order upon reaching the age of majority?

3. Does one incur irregularity by receiving the priesthood before the age prescribed? And does one incur irregularity if ordained under duress or censure?

800 How are ages to be calculated?

Doubts:

1. Can one be ordained in the morning who completes his age in the evening?

2. Is the leap year to be counted twice?

801 XII. The exercise of the received order.

XIII. The reception of the Eucharist.

XIV. The probity of life.

803 XV. Divine vocation. What are its signs?

803 Does one gravely sin if ordained without a vocation? Does the Bishop sin in ordaining such a person?

804 This vocation is all the more necessary for the episcopate, and for receiving a parish.

805 What are the duties of the ordained?

781. — ANSWER: For a valid ordination, it is required and sufficient that the person be baptized. St. Thomas, Supplement, Question 39, Article 4, Conclusion 20, Decree 10. Vasquez, Fill., Vol. 9, Chapter 4, Question 2. From this, it follows:

4. The following are incapable of receiving orders, and indeed by divine law:

I. A woman. Vasquez, Regulations, Fill., loc. cit. (Thus, St. Thomas, Supplement, Question 39, Article 4; Salm, de Ord., Tractate 8, Chapter 5, Doubt 4, No. 6, and others commonly; and it is defined as a matter of faith in the Council of Trent, Session 24, Chapter 1).

II. A hermaphrodite, in whom the female sex predominates. Fill., loc. cit. However, if the male sex begins to predominate after a valid ordination, he cannot validly consecrate or absolve, although he retains the sacramental character. Lugo, Responsiones morales, Book 4, Decretal 31.

III. One who is not baptized. Ibid.

The following are validly ordained:

4. Those who are perpetually impotent, blind, deaf, or deprived of their hands, even though they are naturally incapable.

5. Irregularly ordained, even though they are ecclesiastically incapable, and remain suspended from the use of their order.

6. Boys in their cradles, who are not bound to chastity by a vow, unless they have ratified it. Tollet, Henry, Azor, Book 13, Chapter 14; Bonaventure,

Book 1, Chapter 7.

782. — Question: Are infants validly ordained? Palearius, Durandus, and Petrocus deny this (Sot, apud Salm, de Ord., Chapter 5, Doubt 2, No. 21). But it is truer to affirm, as St. Thomas teaches (Supplement, Question 39, Article 2), that all the sacraments which do not require the proper act of the recipient, but in which some spiritual power is conferred (such as baptism, confirmation, and orders) can be validly received before the use of reason; indeed, the order can even be licitly received (speaking of the minor orders) if there is a necessity, and a hope of progress. St. Thomas is followed by Sanchius, Consilia, Book 7, Chapter 3, Doubt 32, No. 2; Renzi, page 344, Question 2; and Salm, ibid., No. 23, with St. Bonaventure, Doctor.

[*Latin ed. p. 588*]

Soto, Gonet, Vasquez, Valdés, and others; and this common understanding is confirmed by Pope Benedict XIV in the bull *Inter sollicitas*, issued on May 4, 1745. This is also supported by St. Thomas, from chapter 1, title 2, of the *Summa Theologica*, where it is stated that if someone receives the order of subdeacon while still a minor, they must be ordained to the diaconate before receiving the priesthood, unless it is clear that they received the subdiaconate after reaching the age of reason. However, the Angelic Doctor also states that children who have not reached the age of reason cannot validly receive the episcopate.

783. — Response 2. In order for the order to be lawfully received, and in accordance with the laws of the Church, without incurring censure, the following are required of the recipient, besides being in a state of grace:

I. That he is not a neophyte (for someone who has not certainly been baptized would not receive the order, as is clear from the Council of Nicaea, canon 19, and from the passage "Veniens," concerning unbaptized priests). Nor should he be infamous, or a hermaphrodite, or irregular, suspended, or excommunicated.

II. The intention of being ordained. This is required by Trident, Session 23, canon 4. Without this intention, if he receives the tonsure or the minor orders, he appears to sin, at least venially (unless there is a just cause to excuse him), because it is a slight fraud; see above, book 5, chapter 2, title 1, article 3. Similarly, a venial inconstancy appears to be a reason for abandoning the clerical state without a just cause.

III. That he has been confirmed. This is required by Trident, Session 23, canon 4, and according to Bona, book 8, part 5, number 40, this is a mortal sin; according to Soto and Contenson, it is a venial sin.

IV. Letters of dispensation from the Bishop, either of his own diocese, or of the diocese of origin, or of the benefice, or of the domicile. See Duran, book 3, volume 4, page 194.

V. An examination before the Bishop regarding the knowledge necessary

for each order; the Council of Trent, Session 23, canon 4, requires this for the tonsure, that they know the fundamentals of the faith, as well as how to read and write, and that there is reason to believe that they have chosen the clerical state not out of worldly ambition, but in order to offer faithful service to God. For the minor orders, that they understand the Latin language. For the subdiaconate and diaconate, knowledge of those things that pertain to these orders. For the priesthood, sufficient knowledge to be able to instruct the people in matters necessary for salvation, and to administer the sacraments.

VI. A title of support, such as a benefice, or a patrimony, or poverty, as in the case of regular canons. Trident, Session 21, canon 2. See Bona.

VII. The correct order of reception; the reverse order, for example, receiving the diaconate before the subdiaconate, would be invalid. The reception of the episcopate before the priesthood would also be invalid.

VIII. Time; the minor orders are conferred on any Sunday, or on a feast day that is celebrated publicly according to the prescriptions of the Church, as Sylvester, Azor, Barbatus, and others commonly teach. And although Praepositus, Fagius, Totus, Gavantus, and others believe that any feast day is sufficient, and Duran, book 3, volume 43, page 47, calls this opinion safe, it is nevertheless noted by C. de Lug, book 1, response to moral questions, number 43, that this opinion has been rejected by Pope Urban VIII. However, according to the received custom of the Bishops, it is also possible to confer the orders on a weekday evening before Saturday, on which all orders are...

[*Latin ed. p. 589*]

It can be conferred by law, as noted by Diam. p. 2, t. 6, r. 18, from Henry Regin. etc. The major orders are conferred on the four days of the year, and on the Sundays of Passion Week, and the Holy Week. IX. Intervals of time. Thus, the major orders can only be conferred once a year, from the reception of the other, according to Trid. sess. 23, c. 44, 43, and 14, although the Bishop can grant dispensation for necessity or the benefit of the Church. However, only two major orders can be conferred on the same day, but only with the permission of the Pope; all the minor orders, however, can be conferred on the same day, with the dispensation of the Bishop, and, if it is customary, together with the subdiaconate. Nav. c. 25. Henriq. l. 10, c. 11. Vasq. Suar. Sa. v. Ordo. Laym. l. 5, t. 9, c. 8. X. The place, namely, for the solemn conferral, is the Church; for the private conferral, the sacristy. XI. The age in which the Bishop cannot grant dispensation; and thus, for the first tonsure and the minor orders, at least seven years must be completed, although Quint. t. 6, sect. 21, against Sanch. etc., believes that the beginning of the year is sufficient. For the acolyte, 12 years must be completed, Fill. t. 9, c. 4, num. 28. For the subdiaconate, the twenty-second year; for the diaconate, the twenty-third year; for the priesthood,

the twenty-fifth year; all must be completed; for the episcopate, the thirtieth year must be completed. See Bon. d. 8, q. 4. Fill. tr. 9, c. 4. Laym. l. 5, tr. 9, c. 6, and 7. Diam. p. 3, t. 4, r. 162. If, however, it is doubtful whether someone has reached the required age, e.g., whether he has entered his twenty-fifth year for the priesthood, he cannot be ordained. Sanch. Laym. Bard. d. 6, c. 44, p. 6, §. 2. Both the ordaining and the ordained sin if someone is ordained who does not have the required qualities. 784. — However, all of this should be discussed more fully. Therefore, in order for someone to receive the orders, it is required that I. He be a man, because a priest, having lived a clerical life, would not be validly consecrated. Also, that he not be a neophyte, nor infamous, nor a hermaphrodite, who is not capable of receiving the order, unless the male sex prevails; otherwise, he cannot truly be called a man; therefore, he cannot be consecrated, either lawfully or validly, and indeed not lawfully, even if the male sex prevails, because he would be a monster, and therefore he would require pontifical dispensation. See Salm. de Ord. c. 5, dub. 1, n. 14. Also, that he not be irregular, suspended, or excommunicated. The question arises here, whether, when a Bishop, before ordination, protests that he does not intend to ordain irregulars, excommunicated persons, or others who are unworthy, whether these irregulars remain ordained? Molf. denies this, in Escob. l. 23, num. 498. However, it is more commonly affirmed by Cabass. T. J. l. 3, c. 46, n. 45. Ludov. Bail. and Escob. n. 200, with Nav. Sa., Rodriq. Graff. etc., because those words are said to inspire fear; this is argued from the fact that the same Bishop, after this protestation before ordination, absolves those to be ordained from any excommunication, irregularity, etc. But N. SS. P. Benedict XIV, in the most celebrated work on the Holy Mass, sect. 2, §. 70, teaches better, where, from the decree of the Holy Council, it is said that in this case the Bishop who is ordaining must be questioned about his intention, and if

[*Latin ed. p. 590*]

He himself asserts that he attached his intention to the protestation, that the ordination must be absolutely conferred; but if the Bishop's intention is doubtful, the ordination is under the condition of being repeated. And thus, as Father Zacharias reports in *Croic*, book 6, page 2, number 2234, it is stated that the Sacred Congregation has sometimes judged it necessary to repeat the ordination. However, he also mentions other, opposing declarations of the Sacred Congregation, in which it stated that the ordination of certain individuals was valid, even with false dispensations, although a protestation from the Bishop had been made, excluding the intention of ordaining those who were lacking the required qualifications.

Furthermore, it is required (II) that there be an intention to confer holy orders, as stated in the Council of Trent, Session 23, chapter 4. Here, a question arises: Does one sin who accepts a certain order without the intention of advancing to higher orders? It is certain and commonly held that one

does not sin gravely, even if one receives higher orders without intending to receive the priesthood, as Laym correctly states in *De Ordinatione*, chapter 7, near the end, Salm in *De Ordinatione*, chapter 5, page 3, number 52, and Escobedo, number 304, and others extensively, against Bannez, Marchinus, and a few others (as cited by Escobedo, number 363), who improbably assert that it is a mortal sin. Indeed, Escobedo, number 305, and Paleari, page 8, number 8, along with the Council and Sixtus V, reasonably believe that there is no sin, because it is not prescribed by law that anyone must advance to higher orders; unless one accepts a benefice requiring the priesthood, or a sacred office, such as a curacy, or one to which are attached the obligations of singing Mass, the Gospel, or the Epistle, as stated in the Council of Trent, Session 22, chapter 4. Moreover, the same Council, Session 23, chapter 4, only requires the intention of rendering faithful service to God in the act of ordination. This is confirmed in chapter 1 of *De Filis Presbyter*, where it is stated that Bishops can grant dispensations for those who are irregularly disposed to receive *minor* orders, but not *major* orders; therefore, it is permissible to receive one order without the intention of advancing to higher orders. The reason is that each order is conferred for the purpose of the ordained person serving God by exercising their proper function; therefore, it is sufficient to accept that function without the intention of progressing further. Otherwise, one would have to say the same of a novice who enters a religious order with the intention of not persevering; for in this case, it would be difficult to excuse oneself from a grave fault, due to the temporal damages and inconveniences that would be caused to the religious order, and also due to the scandal that would be given to other novices; for the example of a companion greatly tempts another.

A second question arises: Does a cleric sin who, imitating others, takes a wife in a lower order? Speaking in general terms, it is certain that one does not sin gravely, and indeed not even lightly, if one does so for a just reason, such as to settle animosities, or to resist carnal temptations, or to help a poor woman, etc. Otherwise, one will not be excused from a venial sin; so say Bonaventure in *De Matrimonio*, question 3, page 9, number 2, Paleari in *De Ordinatione*, page 8, number 9, Escobedo, number 314, along with Toldeo, Azor, Valencia, Augustine, Rodriguez, etc., and Salm in *De Ordinatione*, chapter 5, page 3, number 54, who say that this opinion is held by all, except Cajetan, who wanted it to be considered a mortal sin. I said speaking in general terms; for whether one sins gravely, who is certain of his vocation...

[*Latin ed. p. 591*]

With regard to ecclesiastical status, does it deviate from it in order to enjoy the pleasures of the world? See the statements in book 5, chapter 78, where we discussed the danger of being in a bad state. Doubt 3: Does

one sin who receives lesser orders or the tonsure with the intention of avoiding a secular court, and then returning to the world? There are three opinions. The first opinion, held by Palaus, page 8, chapter 7, and Escob, chapter 308, states that one does not sin in any way, because he is exercising his right. The second opinion, held by Salm, ibid., chapter 57, Led., and Vict., in Sanch., on marriage, book 7, distinction 34, number 47, also by Marchin, Molf., Leand., and Trull, in Escob, chapter 306, states that one sins mortally, because in the Council of Trent, session 23, chapter 4, it is stated: "Those who have not received the sacrament of Confirmation should not be admitted to the tonsure..., unless there is a reasonable hope that they will not, through deceit, avoid the judgment of the secular court, but rather, that they have chosen this way of life to render faithful service to God." Therefore, since the Council calls this a deceit, one cannot be excused from a serious fault who is ordained in this way, because he gravely defrauds the Church, abusing his sacred duties for temporal ends. The third opinion, held by Laym., chapter 7, number 2, Sanch., in the aforementioned book, with Navar., Bon., page at the end, number 40, with Val. and Con., Diana, page 10, treatise 46, reply 64, with Vill. and March., also Hurt., Aversa, Nald., Homob., etc., in Escob, chapter 307, states that this is not a mortal sin, because it is understood from the Council of Trent that someone commits a deceit when he receives orders in order to avoid a secular judgment that has already begun, and this would be mortal; but some will be only venial, because of the purpose of the ordination, which is intended by the Church. I do not consider the first opinion to be sufficiently probable, the third opinion to be probable, and the second opinion to be more probable, because it seems to commit a deceit to be ordained in order to avoid a secular judgment in a particular case, just as much as to be ordained in general, for all cases that may occur. As for how one sins by receiving a benefice with the intention of relinquishing it, see the statements in book 5, chapter 443, Question 1, where we said that one does not sin mortally (unless the benefice has a sacred order attached to it); because it is not certain that such a relinquishment is a serious matter. 786. — It is required that one be confirmed. But is this required under a serious precept? Bonac., book 8, page 5, number 40, affirms this, and Tol., Tan., and Aversa, in Mazzotta, volume 3, page 254, agree with him: because here one would sin in a serious matter, both against the usage of the Church, and against the decree of the Council of Trent, session 23, chapter 4, which states: "Those who have not received the sacrament of Confirmation should not be admitted to the tonsure." Others, such as Holzm., number 218, with Tamb., etc., believe that this is not required under a precept, but under counsel. Finally, others, such as Suar., volume 3, book 38, section 4, Navar., chapter 22, number 9, Laym., treatise 3, chapter 5, question 4, Pal., on confirmation, page 8, number 6, Mazzotta, in the aforementioned book, Salm., on orders, chapter 4, page 5, number 73, with Vict. and Philib., and Barb., on the power of

the Bishop, allegation 2, number 45, with Azor, Val. Reg., Molf., Vivald., etc., more probably say that confirmation is not required under a serious obligation, but...

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It is indeed required under a light condition; for, although the words of Trent rather indicate a dispensation than a precept, in this matter, one is not excused from at least some degree of deference. 787. — It is required IV. that he have letters of dispensation from his own Bishop. There are several things to note regarding this requirement. Note 4. that which is prescribed by Trent, session 23, chapter 3, where it is said: "Bishops shall confer orders themselves; but if they are hindered by illness, they shall only entrust those who have been approved and examined to another Bishop for ordination." From this, it follows that the Bishop is regularly bound to ordain his own subjects, unless he is hindered by infirmity, as the Council says, or by another just cause, as Salm. correctly states ibid. p. 4, n. 58, and Barb. in Trident. l. c. with Led. Salzedo, Piasec, etc., because the cause of infirmity is expressed there as an example, not as an exhaustive list. Hence, it is probable that Croiæ n. 2243 also admits of this, if the one to be ordained were to be elsewhere, or if it would be inconvenient for him to come to his diocese. However, the proper Bishop must examine his own subject, as the Council states above; although, just as he can entrust the examination to another, so too he can send him to another Bishop, so that he may examine him. The Bishop to whom the one to be ordained is sent can indeed ordain him without examination, but he can also examine him, if he wishes, as Salm. l. c. and Croiæ n. 2245, with others, correctly state. And this will certainly be safer, as Barbosa alleg. 7, n. 22, with Bonac. Piasec. and Campanile, rightly point out, who indeed hold that it must be examined according to the same Trid. session 7, c. 44, where it is said that no one shall be ordained by a foreigner without a prior examination. Note 2. A license given to someone to be ordained with a foreign Bishop does not expire with the death of the grantor, unless it is revoked by his successor; so generally Sanch. de matr. l. 8. d. 28. n. 83. Barb. alleg. 7. n. 24. with Suar. Salm. cited n. 58. with Bonac. and Escob. n. 448. with Henr. Quaranta, Rod. and commun., because the grace, once conferred, does not expire with the death of the grantor, according to c. Si super gratia, De offic. deleg. in 6. Note 3. A Bishop having his own diocese, if he is already confirmed, even if not yet consecrated, can certainly grant letters of dispensation; because this is an act of jurisdiction which he already possesses with confirmed possession. Thus Sanch Cons. l. 7. c. 3. dub. 20. n. 34. and Salm. de Ord. c. 4. p. 4. n. 59. But can a Bishop who is suspended or already declared excommunicated grant letters of dispensation, or approve confessors, and the like? Led. and Trull. affirm this, but Barb. alleg. 7. n. 4. and Salm. l. c. near the end, more probably deny it, because excommunicated persons lack all jurisdiction.

Hence, Barb. l. c. rightly says that in the case where those to be ordained prove that their Bishop is excommunicated or suspended, the rites can be performed by a neighboring Bishop, according to chapter 2. de temp. ord. in 6. Note 4. A Bishop existing in a foreign diocese can certainly grant letters of dispensation there. because this is not an act of jurisdiction.

[*Latin ed. p. 593*]

It is permissible: thus, Salm. ibid. n. 60, with Gav. and Barb. d. all. 7. n. 29. With Armendar, who reports this as decided. Note 5. A vicar general cannot grant dispensations, unless he has express permission to do so from the Bishop, or unless the Bishop is outside the province, or is distant by two, or at least one day's journey from his own diocese, as say Salm. ibid. n. 62, with the common opinion, and Pal. p. 15. n. 8, and Barbos. d. all. 7. n. 9, with Azor, Rebuff. Gutt. Molf. etc., from c. Cum nullus, de temp. ord. in 6, where it is said: But when the Bishop is acting in distant places, the vicar general himself, when the See is vacant, can grant permission to ordain, to the chapter, or to that person to whom the administration of spiritual matters pertains at that time. Escob. n. 402, with Joan. Andrea, Molf. March. and Leand., says probably that the vicar (as we have said) can, with a special permission from the Bishop, express or tacit, grant dispensations; which is confirmed by the Glossa in d. c., which says: Unless they have (from the Bishop) a special mandate for this. 788. — Note 6. The chapter, when the See is vacant, formerly could grant dispensations, as is clear from the aforementioned c. Cum nullus; but this was later limited by Trident. sess. 7. c. 40, where it is stated: It is not permissible for chapters, when the See is vacant, within the year... to grant permission to ordain or letters of dispensation... unless someone (as is added there) is obligated to receive orders within that year because of a benefice requiring personal service. Otherwise, the chapter incurs an interdict, and the vicar incurs suspension from office and benefice for a year; and also, if he has been ordained in the sacred orders, he incurs suspension from the exercise of the order received at the discretion of the future Bishop; if, however, he is in the minor orders, he is deprived of clerical privileges, but not before a judicial sentence. Thus, Salm. de Ord. c. 4. p. 4. n. 65, with Sanoh. Philib. Aversa, and Trull. Croia n. 2258 says that the aforementioned obligated person cannot, unless someone already holds the benefice, or has the right to it, or has been called to it. But Salm. cited above, n. 65, contradicts this, and Barbosa d. all. 7. n. 11, with Moneta, Riccio, and Garcia, agrees, asserting that it is correctly said that even someone who has been presented for a benefice after having received the first tonsure is obligated. And Merola, ap. Renzi, reports that the Holy See has decided this even for someone who has not yet been tonsured, with these words: A capitular vicar, when the See is vacant, within the year, can grant letters of dispensation for the first tonsure, and for someone who has been presented by lay persons for

an ecclesiastical benefice subject to the patronage of those lay persons, so that he may obtain it. However, Croia l. c. with Garcia, Ugolino, and Riccio, correctly says that it is not said that someone is obligated to whom someone wants to resign a benefice, requiring an order that he lacks. Furthermore, it should be noted what is stated in the concordat of our kingdom, c. 4. n. 9, there: "The capitular vicars shall not, without the vote of the full chapter, to be given by a majority of secret votes, grant..."

[*Latin ed. p. 594*]

Letters of dispensation to Laity; granted either for the sake of a Benefice, or a Chapel, or even to those who, having already received the first Tonsure, are presented to some Benefice, or Chapel, which actually requires a certain order: with the express condition that, in both cases, the one who requests to be promoted, has not previously been rejected by a preceding Bishop (1). See other prescriptions in the aforementioned Concordat, number 830. However, the Chapter, when the See is vacant, can also grant testimonial letters to someone who has a license from elsewhere to receive orders, even within a year. Salm. de Ord. c. 4. p. 4. n. 66. with Sanch. Pal. Dic. etc. It is also probable that the Chapter can grant someone permission to receive the first Tonsure, since the Tonsure is not an order. Garz, and Gallem, in Croia, number 2261, to which they adhere according to the declaration of the Sacred Congregation. However, what the Chapter can do when the See is vacant, it cannot do by itself, but through its elected Vicar. Croia, number 2266, and thus it is reported that a decision was made by the Sacred Congregation on February 3, 1604. Pitton de Canon. number 171. Furthermore, it should be noted that when the See is vacant, it is permissible to ordain within a year someone who has the letters of dispensation from the deceased Bishop, as commonly stated by Barbosa, allocation 7, number 23, with Nav. Gonzales, and Henr., and Croia, number 2259, with Sanch. Laym. Tamb. etc., according to the declaration of the Sacred Congregation. The same is said of Regular Canons who, within a year, present letters of dispensation from their superiors; to these, the Chapter can certainly grant permission to be ordained by some Bishop. And thus, the letters of dispensation granted by the Chapter, when the See is vacant, are also valid after a year, even if a new Bishop has already entered. Barb. number 24, with Mol. Gonzal. Fag. Led. Quaranta, etc. Furthermore, it should be noted that although, in the Roman Council under Benedict XIII, it was permitted for the Capitular Vicar to grant letters of dispensation after a year, in the Concordat of our kingdom, this power has been removed from him, unless he has express permission from the Sacred Congregation of the Council. Although the Chapter cannot grant letters of dispensation within a year, they state that Sanch., book 7, chapter 4, doubt 26, number 2, Tamb. de Ord. chapter 9, § 2, number 9, and Barb., allocation 7, number 17, in the Tridentine Council, session 7, chapter 10, number 5, with Henr. Quaranta,

Molf. Piaseo. Furnar. etc., can certainly grant to another Bishop the faculty for Pontifical functions, and likewise to confer orders on clerics subject to that Bishop, or subject to the same vacant See, who must receive permission to ordain from the Pope, as is reported in the decision of Garz, in Barbosa, book cited, in the Tridentine Council. However, Croia, number 2267, opposes this opinion, saying: (1) That is to say, without the consent of the entire Chapter, obtained by a majority of secret votes, the Capitular Vicars will not be able to grant letters of dispensation to laymen for a benefice or chapel, or to those who have received the tonsure and are presented for a benefice or chapel that actually requires a certain order; this always with the express condition that, in no case, the one who requests to be promoted, has already been rejected by a preceding Bishop. Ethis.

[*Latin ed. p. 595*]

The words of the Council of Trent, as stated above: "It is not permissible to grant a license for ordination, or letters of dispensation, within a year..." However, Croia states that the gerund "ordinandi" (of ordaining) is active, and therefore should not be applied to those being ordained, but to the Bishop. But the opinion of Father Croia is taught by many experts in grammar, that such gerunds can be taken either actively or passively. And the Council itself has used the gerund in a passive sense on several occasions, as in Session 7, chapter 41, and Session 12, concerning the faculties of benefices, regarding promotion "from" someone. And here, according to the proper meaning of Trent, "ordinandi" should more truly be understood passively, because after the words, "it is not permissible to grant a license for ordination, or letters of dispensation..." the Council adds, "to anyone who has been impeded by reason of a benefice." Therefore, "to grant" refers both to granting a license for ordination and to granting letters of dispensation to someone, namely, concerning ordination.

Note 7: Today, what Salm says in *De Ord.*, chapter 4, paragraph 4, number 67, with Molfetta and Philibert, is no longer valid, namely, that abbots who can ordain their own subjects (according to the aforementioned number 763), can also grant them letters of dispensation to receive orders from any Bishop or mitred abbot. For neither mitred abbots, even if they have a jurisdiction almost like that of a bishop, can ordain subjects who are not their own, according to a decree of the Holy See, as mentioned in number 766. Nor can any other Bishops, except the diocesan (as we will soon see), ordain religious.

Note 8: Religious who are exempt should have letters of dispensation from their superiors, namely, their generals or provincials, as Salm says ibid., number 68, with Sanchez, Diana, Philibert, and others in common: otherwise, they sin mortally and incur suspension. Furthermore, according to the decree of Clement VIII (mentioned in detail by Croia, number 2236), the letters of dispensation must be addressed to the diocesan Bishop,

unless he is absent, or does not administer ordinations. It is not valid to say, as Sanchez, Laym, Paleari, etc., say apud Croia in the cited passage, that letters of dispensation can be given to religious to any Bishop, because the mandate of Clement was not accepted, as Paleari asserts, because (as Sanchez believes) that decree is only valid for religious who are subject to that same Bishop. For in chapter 3, concerning the time for ordinations, in number 6, it is generally forbidden, and the aforementioned decree was most recently confirmed and renewed by Benedict XIII and XIV. See the aforementioned number 768. From whom can novices be ordained? See the aforementioned numbers 764 and 765.

Note 9: If someone obtains a faculty from the Pope to receive orders outside of the proper time, but with the clause, "only from his own Ordinary," he can be validly ordained by another, as Sanchez says in *l. 7, c. 4, dub. 25, num. 2*, with Navar, Mazzotta, page 250, and Croia, number 2242, with Gobat. The reason is that that particular clause is added only so that no prejudice is caused to his own Bishop; but he is least prejudiced when he himself grants the letters of dispensation.

Note 10: It is probable that the Bishop can confirm him who, in Volume IV...

[*Latin ed. p. 596*]

He presents the dismissal letters from his own Bishop for the tonsure; thus, Croia, no. 2239, with Rebuffo. And the same Croia states ibid., with Gobat, that if someone is dismissed to receive the subdiaconate, before having received the minor orders, then he is considered dismissed even for the minor orders. Note 44. Although on June 22, 4623 (according to Pitton, *De Episc.*, no. 800), the Holy Congregation presiding over the affairs of the Kingdom of Naples decreed that there are no indirect dispensations from a certain Ordinary; nevertheless, in the following year, on March 16, the opposite was decreed by the Holy Episcopal Congregation, namely, that Bishops of the Kingdom of Naples can legitimately ordain outsiders with the dismissal letters of their own Ordinary, even if they are not directly addressed to a specific Bishop. Hence, Mazz. p. 250, and Croia, no. 2241, with Gobat, and Quint., probably state that if someone is dismissed to a certain Bishop who is designated for the purpose of ordaining, he can legitimately receive orders from another, according to the rule of Juris, 64, no. 6, where it is written: "What is granted for the benefit of someone, is not to be revoked to their detriment." Note 42. In order for someone to be ordained by a foreign Bishop, it is not required that he obtain written permission from his own Bishop, but it is sufficient if this is established by witnesses, or otherwise; thus, Sanch., ch. 3, doubt 20, no. 4; Salm., *De Ord.*, ch. 4, p. 4, no. 64, 789. — But it is doubted 4. Whether a Bishop can ordain another's subdeacon without his express permission, with the hope of ratification in the future. Paludan, Vill., Diana, and Led., according to Salm.,

ibid., no. 63, affirm this. And Trull and others, according to Sanch., lib. 7, ch. 3, doubt 20, no. 42, admit this, if there is a special friendship between the Bishop ordaining and the Bishop proper, or between the one being ordained. But it is more true that Sanch., no. 13; Bonac., p. 5, no. 28; Croia, no. 2238; and Salm., ibid., no. 64, with Aver., Philib., and others, deny this. The reason is that from the Council of Trent, in order to eliminate errors and dissensions, express permission from one's own Ordinary is required: "Unless with the express permission of the Ordinary of the place," as the Council states, session 14, ch. 2. However, a Bishop can legitimately accept such an ordination, and it is not necessary to appeal to the Supreme Pontiff, because he himself can absolve the ordained person from the suspension of the order received, as the Council of Trent grants; thus, Sanch., no. 43; Salm., *l.c.*, in the footnote, with Aversa, and Croia, no. 2248, with Delbene, and others, against Rebuffo. But is ratification, or presumed permission in the present, sufficient to ordain a cleric from another diocese? It seems to me, and to others, that this can be admitted, at least without grave fault. Doubt 2. Can a Bishop to whom dismissal letters are addressed, dispense with ordaining someone over an irregularity, or another canonical impediment, over which his own Bishop can dispense? The first opinion affirms this, which is held by Sylvest v. *Dispensatio*, q. 9, no. 41, *in fine*, and Ang. Arm., *ao Henr.*, apud Palaum *de censur.*

[*Latin ed. p. 597*]

d. 6. art. 7. n. 21. Because (as they say) by the very fact that the Bishop grants permission to ordain another, he also grants the power to dispense, since dispensation must precede the reception of ordination; and they infer this from chapter *Præterea, de offic. jud. deleg.*, where it is said: "From the fact that a cause is entrusted to him, he receives full power over all things pertaining to that cause itself." However, the second opinion is more probable, and this is held by Palaus, loc. cit.; Mazz. t. 3. p. 250; Sanch. l. 7. c. 1. dub. 27. n. 2, with Nav. and de matr. l. 8. d. 1. n. 24, with Sa; and Croix n. 2240, with Diana. The reason is, first, because privileges do not extend beyond the case expressly stated; and second, because in disparate cases, there is no implication when a power is granted that is not connected with another necessity; as (wisely says Sanchez), if a Bishop grants permission to a parish priest to assist at a marriage, it does not follow that he is granting the power to dispense in an impediment in which he himself may be involved. And this would be even more true if, in dismissal cases, the clause were added: "Unless another impediment hinders you canonically." But with regard to the text cited above, it is answered that there, a necessary power was being dealt with, connected with a given power, as is clear to the reader. It should be noted that the one to be ordained must always have testimonial letters from the Bishop of originis, even if, in his childhood, he left that diocese, at least to testify to his birth and age, as is reported

by P. Zacharia apud Croix, l. 6. p. 2. n. 2251, 790. — V. examination of knowledge is required. In this, it should be noted that the Council of Trent requires, for those to be admitted to the minor orders, that they at least understand the Latin language; thus, in session 23, c. 44, it is said: "The minor orders are conferred upon those who at least understand the Latin language, during the intervening times, unless it seems more fitting to the Bishop to do otherwise." But can the Bishop ordain a cleric in the minor orders who does not know the Latin language, if there is hope that he will learn it later? Innoc. Menoc. Turrecr. etc. affirm this, apud Sanch. dub. 45. n. 40. But Salm. de Ord. c. 5. p. 2. n. 43, in fine, and Sanchez himself, n. 14, with Nav. and Salzedo, rightly deny it. The reason is that, unless the Bishop sees otherwise, it is generally understood by the Doctors to apply only to the intervening times, and not to knowledge itself. However, it does not seem improbable, with Sanchez and Rebuff. ibid., that if the one to be ordained does not yet know the Latin language as much as is necessary, but it is reasonably hoped that he will learn it soon, then the Bishop may ordain him; but it would be better, in my judgment, if he did not ordain him. II. For admission to the subdiaconate and diaconate, the Council requires, in c. 43, that they be instructed in letters and in those things that pertain to the exercise of the order. But is it permissible to ordain a subdeacon, or to admit him to a benefice, who still does not know how to perform the divine office, but who is probably expected to be instructed soon, as he promises?

[*Latin ed. p. 598*]

It is rightly affirmed by Sanch. c. 3, dub. 45, n. 6, and by Salm. de Ord. c. 5, p. 2, n. 44, that, for the time being, assistance from another is required to recite [the Divine Office]. III. Concerning the initiation of those destined for the priesthood, the Council states in chapters 14 and 25 that they must be carefully examined beforehand to ensure that they are suitable to teach the people those things which all must know for their salvation, and to administer the sacraments. 794. — But here, I. asks how those words, "to administer the sacraments," should be understood. Pal. p. 8, n. 43, along with Vasquez and Con, believes that it should be understood that those being ordained should know what is required to properly administer the sacraments, not merely the sacrament of Penance, but also the sacraments of Baptism and the Eucharist. Sanch., however, in l. 7, c. 4, dub. 45, n. 46, along with Ledes., believes that it should be understood that they should know the matter and form of each sacrament. But Laym. tr. 9, c. 7, n. 4, and Salm., cited above, n. 44, along with Aversa, Rodr., and Philib., rightly state that those being ordained should indeed know what pertains to the sacrifice and the sacraments of Baptism and Extreme Unction, of which they will be ministers; but with regard to the sacrament of Penance, such extensive knowledge is not required as is necessary for an approved confessor. Therefore, I conclude that every simple priest should have some knowledge

concerning the matters most relevant to the sacrament of Penance, at least for cases of necessity, in which confessions must be received. And this is in accordance with the teaching of St. Charles Borromeo in the Council of Milan 5, where it was stated that those being initiated into the priesthood should have some expertise (at least) in the sacrament of Confession; otherwise, they do not seem to be able to be excused from a serious fault; indeed, Innocent XIII, in the bull, *Apostolici ministerii*, confirmed by Benedict XIII (in Bened. XIV, Notif. 16 and 32), explaining the aforementioned text of the Council (as the aforementioned Benedict XIV states), could give it no other more favorable interpretation than by reducing it to the study of moral theology. And the reason is that, since it is the proper duty of each priest to administer the sacrament of Penance in times of necessity, each priest should know those things that pertain to properly performing this duty; as is clearly inferred from what St. Thomas teaches in Suppl. quæst. 36, art. 2, where he says: "For that a man may properly perform the office of his order, it is necessary that he have so much knowledge as is sufficient for him to be directed in the act of that order... therefore... such knowledge is required in him who is to be promoted to the orders." It is indeed more fitting, as Natalis de Alex. notes (de Ord. Reg. 22), to act with those who have professed a religion of contemplative life, such as the Camaldoli, Carthusians, and similar orders. Otherwise, with others who profess an active life; in these, the same knowledge is required as is required of other priests. Some (adds St. Thomas, l.c. ad. 4) are promoted to the priesthood to whom is entrusted only the first act (of receiving into the Body of Christ), such as Religious... etc... for such, it is sufficient if they have only that knowledge.

[*Latin ed. p. 599*]

that they may be able to observe those things which pertain to the proper administration of the sacraments. Others, however, are promoted to... the office of service above the Body of Christ..., and therefore they must possess knowledge of the law, not indeed, so that they may understand difficult questions of the law..., but so that they may know what the people ought to believe and observe concerning the law. And this is derived from Malachi, chapter 2, verse 7: "The lips of the priest shall preserve knowledge, and they shall seek the law from his mouth." Therefore, I conclude that those who are to be promoted to the priesthood cannot, with a clear conscience, approach ordination unless they know at least the more general principles, by which they may resolve doubts that commonly arise for those who are near death; nor are they bound to know distinctly how they ought to behave towards those who are dying, namely, when they may absolve them? In articulo mortis, or in the peril of death? And what kind of peril? With a present and approved confessor? Or absolutely, or conditionally? When may a dying person be considered disposed to receive absolution?

What must they impose upon him, if he has sins or censures reserved? Consequently, the Bishop, lest he communicate sin to one who is to be ordained without such knowledge, must, before ordaining him, be certain of such suitability, or at least that he will learn it shortly; otherwise, I know not how he could be safe in his conscience. Especially since it is evident everywhere that those who are ordained in this manner, after receiving the priesthood, abandon all study, so that they should be subjected to no further examination, which was the sole purpose of all their studies. Furthermore, it should be noted what is found in the Council of Lateran, IV, canon 10 and 14 (in Habert, volume 7, page 484), where it is said: "We decree that in both cathedral and conventual churches, suitable men be ordained, whom the Bishops may have as assistants, not only in the office of preaching, but also in hearing confessions and in assigning penances, and in all other matters pertaining to the salvation of souls." Question II: Are the unlettered entirely irregular? The Manual (Navis Magisterii), chapter 27, number 205, states that, according to the Council of Trent, session 23, chapter 4, those who do not understand the Latin language are irregular; but Garcia and Henriquez, in Bonaventure, on censures, part 7, question 2, point 4, number 2, hold that the unlettered are not irregular, so that they do not sin if they minister in the orders they have received; but these cannot, without grave sin, receive orders. Others, with the common opinion held by Sanchez, in Concilia, book 7, chapter 1, doubt 45, number 3; Bonaventure, in the same place; Tamburello, in the same title, treatise 4, chapter 12, number 1; Salmeron, on ordination, chapter 5, page 2, number 49, with Reginaldo, Homilies, etc., and Paleario, on censures, part 10, number 1, with Suarez, Tollet, Filipe, Sayr, and Avila, more plausibly teach that those who are so uneducated that they ignore even the first rudiments of grammar, so that they do not know how to perform those things which pertain to the exercise of the order, for which a knowledge of the Latin language is certainly required, are entirely irregular, and gravely sin both in receiving orders and in exercising them.

[*Latin ed. p. 600*]

As Salmanticenses and Bonaventura state in their commentaries, and as Azor, Suarez, Fillon, and Regius also affirm, even the Pope cannot grant a dispensation in such cases, because this irregularity is not merely a matter of human law, but also of divine and natural law; for natural law itself dictates that those who are incapable of exercising a certain office should not be admitted to it. This is proven by the decree "Illitteratos" in Dist. 36, where it is stated that an unlettered person (understand, as the Glossa there says, a person who has never heard grammar) should be kept away from receiving orders, just as a person with a bodily defect. Palatius, in his commentary, observes that only that ignorance constitutes an irregularity which completely prevents the exercise of the office received; and similarly,

Roncaglia, in "De Censuris," chapter last, question 6, article 2, states that it is irregular for one who cannot duly and appropriately administer the order he has received. Anaclatius, in "De Censuris," question 3, number 26, Holzmüller, volume 1, page 320, number 367, and Viva, in "De Irregularitatibus," question 9, article 4, number 12, also state that this irregularity, once the cause of ignorance is removed, is removed itself without a dispensation.

Question III: Is less knowledge required for those being ordained in religious orders than in secular orders?

For those dedicated to a contemplative life, such as the Camaldolese (as we have said), Carthusians, and similar orders, it is commonly held among Doctors that it is sufficient if they know how to read and sing, and understand those things that pertain to the sacrifice, as St. Thomas teaches in the passage cited above, saying that for those religious who are ordained to the altar, it is sufficient to have the knowledge by which they can observe those things that pertain to the sacrifice; and Natalis, in "De Allocationibus de Ord. Reg.," 22, Escobari, number 289, and others state the same.

The difficulty lies in whether the same can be said for religious of other orders, who are instituted for an active life. Ledo, in "De Ordinationibus," chapter 7, conclusion 4, denies this, stating that the same knowledge is required for religious as for seculars; indeed, more, because religious are more frequently engaged in the service of others; and Escobari, number 294, considers this to be probable. However, Salmanticenses, chapter 5, page 2, number 47, along with Scotus, Philibert, and Barbosa, allegation 46, number 14, along with Sylvester, Graff, Henry of Mirande, and others, commonly affirm this, and Escobari, number 296, and Diana, page 2, treatise 16, reply 34, also consider it probable. The reason is, first, that regular clergy are commonly ordained only to the choir and the altar; second, that if they lack knowledge in other areas, they can later learn those things from their brethren. And St. Thomas, as we have seen, does not dissent from this opinion, although when presenting this doctrine, he speaks generally of religious.

Furthermore, I do not dare to approve the statement made by Barbosa, along with some others, that regular clergy can be ordained even if they are somewhat deficient in the Latin language; for if, in the initiation of secular clergy, even for minor orders, the Council of Trent requires that they at least understand the Latin language, how can regular clergy be ordained to the priesthood while still deficient in the Latin language?

Moreover, Salmanticenses, in "De Ordinationibus," chapter 5, page 2, number 47, at the end, along with Rodriguez and Henry, state that for secular sacristans, singers, and the like, it is sufficient if they know only

how to read and sing.

[*Latin ed. p. 601*]

To fulfill the duties of the order. However, I do not dare to assert that this doctrine is truly and generally probable; I leave it to the wise to judge. 792. — It should be noted here 1. that a Bishop can indeed ordain Religious without examination, by accepting the testimony of his superiors; but he can also, if he wishes, examine them, as Escob. correctly states in number 278, Mazz. in volume 3, page 253, and Salm. ibid. in number 46, along with Aversa and Mirand. And on this point, there is no longer any doubt after the bull of Benedict XIV. (mentioned in number 768), in which it was established that Regulars must be examined by the Bishop who ordains them. It should be noted 2. for all those who are to be ordained, that the Bishop is obligated, either by himself or through others, to examine them, unless he is otherwise certain of their suitability through his own knowledge, or through the common opinion; as Salm. correctly states in number 46, along with the aforementioned authors. From all of the above, it should also be noted that, even if a Bishop can lawfully ordain those who present the knowledge that the Council of Trent requires, this does not prevent him from demanding greater knowledge from his subordinates (for a different judgment is to be made regarding others); especially if they are to be ordained for the Church of a large city, because the Council, in what it prescribed concerning knowledge, only intended to set a limit for Bishops, so that they would not promote anyone lacking the prescribed knowledge, but it did not prohibit Bishops from requiring greater knowledge, unless the circumstances of the place absolutely demanded otherwise. Hence, the most wise Archbishop Fabritius of Capua, of Salerno (worthy of eternal memory for his zeal in reforming the clergy), did not admit anyone to the priesthood unless he first ascertained, through a rigorous examination, that he was fit to hear confessions. Would that all would follow the example of this Prelate! Then we would not find so many useless priests, indeed, even those who are harmful to the Church, because, being such rough individuals, they cause disgust, and therefore, while languishing in idleness, they are relaxed into vices. It should also be noted here, that according to several decrees of the Holy Council, found in Benedict XIV, Notif. 9, number 46, a Bishop newly appointed to the episcopacy can, for a just cause, rightly examine parish priests, even Regulars; from which it follows that, all the more so, he can examine confessors who are not pastors. The sixth requirement is the provision of sustenance; but this will be discussed in number 813. 793. — Requirement VII: that the lower order be received before the higher order; and if he does otherwise, he will not only sin grievously, but will also incur suspension from the exercise of the order he has received, until the Bishop grants dispensation, according to canon 1 of the decree "De Clerico per salt." Furthermore, he who would

receive the lower orders before tonsure, will also sin mortally, but will not incur suspension; as Sanch. in book 7, chapter 3, doubt 14, and Bon. in part 5, number 14, chapter 1, number 37, state. If, however, someone were to receive the episcopacy before the priesthood, he would receive it invalidly, as Suar., Sanch., and others commonly state, according to Salm.

[*Latin ed. p. 602*]

Ord. c. 4. p. 2. n. 44. If, however, someone were to receive the priesthood before the other orders, he could indeed become a Bishop and validly exercise his office; nevertheless, it is not licit for him to receive the omitted order beforehand. 794. — It is required VIII that ordination take place at the proper time. The higher orders can only be conferred on the four Saturdays of the year, on the Saturday before the Passion of Our Lord, and on Holy Saturday; the lower orders, however, can be given on any feast day (provided it is a feast of precept, as explained in the Roman Pontifical), if they are conferred upon one or two, as is stated in c. De eo, concerning the time of ordination, where it is said: "It is permitted to Bishops, on Sundays, and on other festive days, to promote one or two to the lower orders." But is it permissible to ordain more than two? Martin of St. Joseph denies it; but the Doctors commonly affirm it, provided that a general ordination does not appear to be taking place; thus, Sanch. c. 4. dub. 52. n. 8, with Innocent, Tab. Arm. Henr. Rebuff. Præp. Turrecr. etc. Salm. de Ord. c. 4. p. 5. n. 78, with Gran. Renzi p. 364. q. 8, with Sylvest. Pal. Bass. Quint. and Diana p. 40. tr. 44. r. 66, with others, and the Glossa in the aforementioned c. De eo, v. Ad duos, where it is said: "Are more [allowed]? Certainly, provided it does not appear to be a general ordination." The reason is that the words of the text are not given in a restrictive, but in an illustrative manner. Furthermore, Pagnan states in d. c. De eo, n. 36, with Host. Barb. all. 44. n. 21, Pal. part. 13. n. 2, with Henr. Salm. cited n. 78, with Gran. and Laym. c. 8. n. 4, with the declaration of the Holy See apud P. Zachary in adnot. ad Croicl. 6. p. 2. n. 2290, that the lower orders can also be conferred publicly on a weekday before the Saturday of general ordination (and also on the fourth day of the week, as Laym. adds), provided that there is a custom, which Palaus, Salm. and Barbosa, among others, testify to, that is already accepted. The consecration of Bishops can take place on any Sunday, according to c. Ordinationes 1 and c. Quod die, dist. 75. And Diana p. 42. tr. 4. r. 64 adds, from the Pontifical, that it can also be conferred on the feasts of the Apostles. The first tonsure can be conferred on any day and in any place. Conc. t. 40. p. 39. n. 43, and Sanch. dub. 50. u. 4. 795. — It is required IX that ordination take place at the proper intervals of time, which must be observed. I. In order to advance from one lower order to another, some time is required, which, however, was not determined by the Council of Trent: but in this matter, the Bishop can, with a just reason, grant a dispensation, as is stated in the Council, session 23, c. 44. The lower orders...

are conferred at intervals of time, unless it seems more expedient to the Bishop otherwise, and just reasons for granting a dispensation appear to be (as also Escob. n. 443) the solitary life of the Carthusians, according to the declaration of the Holy See, also advanced age for ordination, the reason of study, and the acceptance or receipt of a benefice. But what interval should there be between one lower order and another? Majol. and Ugol. apud Barbos. in l. c. Trid. n. 4, believe that an interval of one general ordination is sufficient.

[*Latin ed. p. 603*]

I. Regarding the interval between the reception of one order and another: but Sorbon, and Campanile, ibid., state that one feast day is sufficient for the reception of another. Moreover, Barb. n. 5, with Miranda, etc., rightly states that although the Bishop may dispense in this matter for any reason, it is more praiseworthy if he abstains from such dispensation. Furthermore, Sylvest. v. Ord. 2. n. 7, and Rebuff. Henriq. Campanile apud Barb. n. 6, and the decision of Armendarius, ibid., state that it is not permissible to confer the tonsure together with any lesser order (unless there is a custom to that effect somewhere); but it seems more probable that the opposite is true, since the tonsure is not an order.

II. In order to progress from the lesser orders to the subdiaconate, a period of one year is required, according to Trid. sess. 23, c. 14, where it is stated: "Those who have received the lesser orders shall not be promoted to the sacred orders before one year has elapsed from the reception of the highest of the lesser orders, unless necessity or the benefit of the Church requires otherwise, according to the judgment of the Bishop." The "benefit of the Church" is understood to be that which in some way contributes to the good of the Church, as Salm. de ord. c. 4, p. 5, n. 88, states. Whoever would receive the subdiaconate before one year without dispensation would sin gravely, but would incur no censure; see Salm. ibid. n. 87.

III. In order to progress from the subdiaconate to the diaconate, a period of one year is also required; but for this, dispensation does not require necessity or the benefit of the Church, as Croiæ n. 2297 rightly states, but any reasonable cause suffices, according to the judgment of the Bishop, as is evident from the aforementioned Trid. c. 43: "Those who have been promoted to the sacred order of subdeacon, if they have remained in that order for at least one year, shall not be allowed to advance to a higher order, unless it seems otherwise to the Bishop."

IV. Finally, in order to progress from the diaconate to the priesthood, at least a period of one year is required; and for dispensation of this time, the benefit of the Church is not sufficient, but necessity is also required, according to the same Council, sess. 23, c. 14: "Those who... are admitted to the order of the priesthood..., are those who... have served at least one full year in the diaconate, unless, for the benefit of the Church, and necessity

(note), it seemed otherwise to the Bishop."

796. Furthermore, it should be noted that he who would receive two sacred orders on the same day would not only gravely sin against the precept of Trent in the aforementioned chapter 3, where it is stated: "Two sacred orders shall not be conferred on the same day, even to religious, notwithstanding any privileges or indulgences granted; but he would also incur suspension from the exercise of those orders, and would fall into irregularity, as is evident from c. Innotuit, concerning him who furtively, etc., and c. Litteras, and c. Dilectus, concerning the time of orders. Hence, it is stated in the aforementioned chapter Litteras, that if someone were to receive one sacred order on Saturday and another on Sunday, while continuing the fast, that is, without any meal, he would also incur suspension; for then (as the text says) the evening of Saturday and the morning of Sunday are counted as one day by canonical fiction; otherwise, if the fast is not continuous. From this...

[*Latin ed. p. 604*]

It is more probable, as Renzi states on page 363, question 7, following Nicholas, that if someone receives the sacred orders on three festive days, they can, after fulfilling the fast on the Sabbath of ordination, receive one order, and another on the following Sunday; and this is reported as having been decided by the Sacred Congregation on July 25, 1662. Furthermore, Sanchez, in book 7, chapter 4, doubt 51, number 4, Laym, chapter 8, number 9, Escobedo, number 433, along with Suarez, Majorano, Villalobos, Leander, and Sylvester Henriquez, and others, cited by Croix, number 2291, also state that if a Bishop, due to infirmity or another cause, cannot perform or complete the ordination on the Sabbath, he can continue it on Sunday; provided that (as they say) the fast is continued both by the one being ordained and by the Bishop, as Sanchez rightly adds. However, a natural fast is not required for this, as some improbably believe, but an ecclesiastical fast is sufficient, because the text clearly speaks of this, as Sanchez rightly states, number 5, along with Sylvester, Taborda, and Escobedo, number 436, along with Marchino, and Leander.

Here, however, there is doubt: 1. Is the aforementioned suspension of a general and binding nature? Diana denies this on page 5, treatise 10, response 36, and Villalobos, cited by Escobedo, number 448. But Navarret, chapter 27, number 244, Bonaventure of Urbino, on censures, page 4, paragraph 4, number 450, along with Suarez, Sayr, Molfino, Turrian, Marchino, and others, rightly affirm this. This is evident from the decree, where it is stated: "We decree that the execution of the sacerdotal office shall remain suspended until a decision is made regarding him." However, this suspension only applies to the last order received, as Escobedo rightly infers from these words, number 450, along with Suarez, Sayr, and Molfino.

Doubt 2: Does someone who receives two sacred orders without the

prescribed intervals incur a suspension? The answer is: He who is ordained on consecutive days outside of the permitted times incurs a suspension by the bulls of Sixtus V and Clement VIII, just as he who is ordained without a dismissal letter, or before the legitimate age, incurs a suspension; see Tamburini, book 7, chapter 41, paragraph 1, number 3. However, he who is ordained on different days, without observing the prescribed intervals, but within the legitimate times, would indeed sin gravely, but it is more probable that he does not incur a suspension, as Bonaventure of Urbino states, book 8, page 5, number 35, Barbosa, on the Council of Trent, session 23, chapter 45, number 44, Croix, number 2302, Renzi, page 360, question 1, along with Suarez, Tamburini, book cited, along with Palafox and Salm, on Ordinations, chapter 4, page 5, number 87, along with Turrecremata, and Escobedo, number 457, along with Navarret, Villalobos, Marchino, and others, and Cabassut, Volume 1, chapter 46, number 42, along with Navarret and Sayr (contrary to Diana, page 4, treatise 2, resolution 55). Although Sixtus V imposed the penalty of suspension in a certain Extravagant, nevertheless, this penalty, with respect to our case, was removed by Clement VIII, as Tamburini states in the cited passage, 797.

However, someone who received four minor orders on the same day, along with the subdiaconate, would also sin gravely, as is stated in chapter 2, concerning him who furtively receives them: "You have received four minor orders, and not being content with these, you also rashly dared to receive the subdiaconate... We command that he be allowed to celebrate only the minor orders."

[*Latin ed. p. 605*]

It is stated by Vasquez, in *De Ordinatione*, chapter 4, paragraph 5, number 80, that the aforementioned text was revoked by the Council of Trent, session 23, chapter 43. However, the Council only forbade the simultaneous conferral of two sacred orders; but this teaching is not commonly accepted, because the Council, by prescribing this, did not revoke the text, but left it in force.

However, it is doubted whether a contrary custom would excuse [one] from this prohibition, if it were in force somewhere? Sylvester, Tollet, and others, cited by Escobar, number 444, deny this. But it is more likely that Navarrus, chapter 25, number 74, and Suarez, *De Censuris*, dist. 31, section 4, number 41, affirm it (who cite the decree of the Holy Congregation, Holzmüller, number 86, Salmeron, cited, number 80, with Villalobos, Leander, etc., and Escobar, number 445, with St. Antoninus, Sayr, Molfes, Rodriguez, and Miranda; because such a custom does not seem to have been condemned anywhere).

Doubt 2: Whether, otherwise ordained, where there is no contrary custom, one incurs suspension? Bonacich, *De Censuris*, d. 3, p. 5, § 1, n. 4, affirms this. But it is more probable that Escobar, number 450, and Suarez,

loc. cit., number 40, deny it, because the Pontiff, in the aforementioned chapter 2, only commands the Bishop not to allow the ordained person to minister, but does not suspend him. However, Navarrus rightly says in *Manuale*, chapter 27, number 241, against Suarez, that this is irregular with regard to receiving higher orders, since it is added there: "But if the ordained person has entered a religious house, and has fulfilled his duties, the abbot (if he wishes) can grant a dispensation in other orders." Therefore, if he needs a dispensation, he will be irregular in receiving other orders.

Doubt 3: Whether religious can be ordained outside of the proper times with the permission of their superiors? Vasquez, Suarez, Leander, Peyrere, etc., cited by Escobar, number 464, deny this, because although Gregory XIII granted this privilege to the Society of Jesus, he expressly forbade other religious orders from participating in it. But it is more likely that Layman, chapter 8, number 2, Barbosa, allegation 17, number 6, Escobar, number 466, with Machada, Leander, Delacroix, Diana, etc., and Salmant, ibid., numbers 83, 84, and 85, with Aversa, Philip, Portel, and Rodriguez, affirm it, because after Gregory XIII, Clement VIII absolutely granted this privilege to all Mendicant orders, and Urban VIII granted it to the Discalced Order of the Most Holy Trinity, as Escobar, number 465, states. And most recently, Benedict XIII (in Benedict XIV, *Notitia*, 23, number 5), in the Roman Council, title 5, chapter 2, confirmed this privilege, saying: "And with regard to religious who have privileges granted by the Pontiffs, either expressly or by way of communication, namely, to receive the sacred orders outside of the proper times; as long as these privileges remain in force, and it is not established that they have been revoked, we decree that these same religious can safely be ordained outside of the proper times, without a new apostolic indulgence."

Doubt 4: Whether religious, when ordained outside of the proper times, can be ordained on any feast of double rank, even if it is not by precept? Diana, p. 5, treatise 23, rule 97, and Praepositus Fagundes, Villalobos, and Homobono, cited by Escobar, number 470, affirm this. Also, Suarez, Stephen, and Manuel, cited by Barbosa, allegation 17, number 7, who consider this probable. And Croix says the same, number 2293, with...

[*Latin ed. p. 606*]

Gobat, Tamb., etc., concerning those who are ordained by dispensation outside of the usual times, on three festive days. The reason is that Alexander VI, speaking about those initiated through this privilege, stated that ordinations could take place on three Sundays, or double days; but he did not speak of this as a matter of precept, but only of double days (to distinguish them from half-double days), which are generally not days of precept. However, Escob. num. 472, Azor, part 2, book 4, chapter 27, question 49, and Lugo, *Responsiones Morales*, book 4, question 36, seem to argue

more plausibly that ordinations cannot take place except on a feast day of precept, on which the people are excused from servile work. The reason is, first, that Gregory XIII, speaking of this same privilege, mentioned Sundays and festive days, but not double days; and second, that the term "festive day" in its own proper meaning denotes a day of rest, as Ambrose Calepinus explains in the word "Festus dies." And although in the rubrics of the Missal and the Breviary, a feast day is distinguished from a feria, in law, a feast day is understood as a day on which one is excused from laborious work. This second opinion seems safer and more probable; but I do not dare to reject the first, and I say that one should adhere to custom, which is the best interpreter of the laws. It should be noted here that those who obtain from the Pope a license to receive the sacred orders outside of the usual times, on three festive days, do not require a dispensation from their Ordinary, but only a testimonial, without which the ordaining priest would incur suspension for a year from conferring orders, and the ordained person would incur perpetual suspension from exercising the order received; this is stated in the Tridentine Council, session 23, canon 8. However, it should be noted that this is said concerning one who obtains the dispensation to receive the order from any bishop; otherwise, he must also be ordained by his own bishop, or obtain a dispensation from him to be ordained by another. The license to receive the sacred orders on three festive days is understood to mean that these are interpolated days, as stated by Croiae, num. 2304, declared by the Sacred Congregation, 798, *Requir.* X, in the section concerning the conferral of orders, which is stated in the Tridentine Council, session 23, canon 8: "Sacred orders should be conferred publicly, at the established times, and in the cathedral church, with the presence of the canons of the church. But if in another place in the diocese, the most suitable church (as far as possible) should always be used, with the presence of the local clergy." I know, however, that many bishops also used to confer sacred orders in private chapels; perhaps this practice is still followed today. Furthermore, the presence of the bishop in his own diocese is also required by the law; for if he were to confer orders in a foreign diocese, he would incur suspension from the exercise of pontifical functions, and the ordained person would incur suspension from the exercise of the order received, according to the Tridentine Council, session 6, canon 5. However, this is correctly stated by Salm. de Ord. c. 4, p. 5, n. 75, along with Bonac., Philib., Vill., Henr., etc., that this does not apply to the conferral of the first tonsure, since this is conferred without pontificals. If, however, a bishop is asked by another to hold a general ordination in his diocese, he can ordain not only his own subjects, but also others.

[*Latin ed. p. 607*]

of dioceses, as stated in Salm, ibid., no. 76, with the same authorities and

in common; for the Council of Trent, in that place, forbade this only in the case where some Bishop would wish to ordain in another diocese without the latter's permission, under the pretext of some privilege. But whether the ordination ought to be performed by the celebrating Bishop, see the aforementioned no. 744, Note II, and no. 799, Requirements XI, Age. It should be noted, I, that for the first tonsure, it is required that the person be capable of using reason, and therefore at least seven years of age, as stated by Benedict XIV in the bull, *Inter sollicitas*, in the year 1745. But in the concordat of our kingdom, at least ten years of age is required. For the minor orders, no age is assigned by law; however, they are usually conferred (as the same Benedict XIV states, ibid.) from the age of 7 to 14. For the subdiaconate, the age of 22 is established. For the diaconate, 23. For the priesthood, 25. Thus, in the Council of Trent, Session 23, chapter 22. However, it suffices that the prescribed year has begun; thus, it is commonly held. See Salm, on Ordinations, chapter 5, page 4, no. 30. And this is deduced from the Council itself, Session 24, chapter 12. Furthermore, for the episcopate, the age of 30 is required, and the same is said for the cardinalate, although by concession of Sixtus V, deacon cardinals may be of the age of 22. See Salm, in the aforementioned place, at the end. For benefices, the age of 14 is required, according to the Council of Trent, Session 23, chapter 6. But if the benefice is a curacy, the age of 25 is required, at least begun. Council of Trent, Session 24, chapter 12. For a canonry in a cathedral, the age of 22, begun, is required. Council of Trent, Session 22, chapter 4. In collegiate churches, however, the age of 14 suffices, since nothing is prescribed for it by law. Salm, ibid., no. 38. It should be noted, 2, that he who is ordained without the legitimate age, knowingly, incurs perpetual suspension by the very act of receiving the order, a suspension reserved to the Pope, as is stated in the Extravagant of Pius II, which begins, *Cum ex sacrorum*, and is referred to in detail by Barbosa, allegation 47, no. 11. But this was increased by St. Pius V and Sixtus V, and confirmed by Clement VIII, as stated by Escobar, no. 265. If, however, the aforementioned suspension is contracted secretly, then the Bishop may absolve the delinquent from it, by concession of the Council of Trent, Session 24, chapter 6, as commonly stated by Bonac. on Censures, book 3, page 5, no. 2, and Salm, ibid., no. 39, with the common opinion. But it is doubted, 4, whether he incurs the aforementioned suspension who is ordained out of crass ignorance (but not affected) before the legitimate age? Laym. affirms this in volume 9, chapter 20, no. 2, and Bonac. in the aforementioned place. But it is more commonly and probably denied by Navar. Manual, chapter 27, no. 456, Suar. on Censures, book 3, section 4, Tol. book 4, chapter 48, no. 7, Barbos. allegation 16, no. 15, Escobar, no. 270, with Con. Præp. Rodr. and Avila, and Salm, on Ordinations, chapter 5, page 4, no. 39, with Trull. Aversa, Dian. Vill. etc. The reason is that this suspension was imposed by Pius II on the *temerarii* (using the word *temeritatem*), which are not those who sin solely out of simple ignorance, as we will say in

book 7, on Censures, no. 47 and 48. Hence, these authorities state that one who is thus ordained can, upon reaching the proper age, properly exercise the order received; if.

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Indeed, before exercising [the office], if one sins, he sins, but does not incur irregularity. Doubt 2. Can one who, with bad faith, receives ordination before the age [of validity], exercise the office after having completed the age, without absolution from the incurred suspension? Sotus of Corduba and Medina, cited by Escobedo, affirm this. But Barbosa, in Allocution 46, number 15, with Miranda and Escobedo, number 236, with Bonaventure, Henry, Marchinus, and Diana, more truthfully deny this. The reason is that the censure, once contracted, is not removed except by absolution. Doubt 3. Does one incur irregularity who receives the priesthood before the legitimate age? The first opinion affirms this, and it is held by Bonaventure, Dist. 8, on the Sacraments, question 1, paragraph 5, number 43, and Barbosa, in Allocution 46, number 46, with Covarrubias, Navarrette, Salzedo, and Sorbon. The reason is that here, by celebrating with the ordaining Bishop, he truly consecrates the Host (as taught by D. Th. 3, part. q. 82, article 2), and therefore he already exercises the office with a suspended ordination. The second opinion, however, is more common and very probable, and it denies this, and it is held by Suarez, on Censors, Dist. 31, section 1, number 71; Coninck, Dist. 16, number 36; Diana, page 5, treatise 40, reply 37; Escobedo, number 283, with Sylvester, Medrano, Ugolino, Quaranta, Naldo, Homobono, Marchinus; also Sayr, Avila, Henry, etc., cited by Barbosa, in the same place. The reasons are: 1. Because that consecration is not considered a morally distinct act from the ordination itself; just as the entire ordination of the Bishop, from beginning to end, is one moral act, so too are the ordinations; therefore, it does not seem equitable that one should incur a double penalty with a single moral action, namely, suspension and irregularity. 2. Because in the cited Extravagant of Pius II (cited by Barbosa, in Allocution 47, number 41), it is said: "Those who are suspended by law from the exercise of their orders, if, while this suspension is in effect, they presume to minister in those same orders, they incur irregularity by that very fact." In this phrase, "while this suspension is in effect," the Pope seems to presuppose that irregularity is incurred only when the imposition of the suspension has already, morally, preceded the exercise of the order. Furthermore, when the Pope imposes irregularity on those who presume [to act], it seems that he does not include the one who, not by his own choice, but by necessity of ordination, must celebrate with the Bishop. Suarez, number 74, and Escobedo, in the same place, refer that those ordained in this manner are not considered irregular by the Chancellery, since they are only absolved from the suspension. And Suarez, number 72, and Escobedo and Diana, in the same place, with others, say the

same about a deacon or subdeacon who, with such a suspension, sings the Gospel or Epistle in the same ordination. And the same should be said of the one who incurs suspension when ordained "per saltum," or outside the proper time, or without the proper dismissal from his own Bishop, or who receives two sacred orders, or minor orders with subdiaconate, on the same day, according to what has been said above. Whether one incurs irregularity who is ordained only with a prior excommunication is another question. Bonaventure affirms this in "De Irregularitatibus," Dist. 7, question 3, part 4, number 1, with Navarrette, Tolosa, Henry, Sayr, etc., from the chapter "Cum illo."

[*Latin ed. p. 609*]

Concerning excommunication sentences and canon 1 of the canons concerning one who has committed theft. However, it is more probable that Suarez denies this, in "De censuris," dist. 41, s. 3, n. 2, and Benedict XIV in "De Synodo," l. 12, c. 3, n. 6, along with Tamburello, Diana Veteranorum, Lez, Gibal, etc., and thus it is understood that the Sacred Congregation held this opinion. The reason is that from these texts, it is not expressly deduced that such a person is irregular, but only that he is suspended; however, for the absolution of this suspension, one must also appeal to the Pope, as Contenson of Tournai observes in "Tractatus de irregularitatibus," part 3, chapter 3, conclusion 5, along with Gibert. Understand this, if the suspension is public; otherwise, he can be absolved by the Bishop according to canon "Liceat," session 24 of the Council of Trent. All the more so, one does not incur irregularity if, while suspended or interdicted, he receives holy orders; Bonaventure agrees with this in "l. c." n. 2, along with Sayr and others. However, this must be understood, if such a person does not exercise the order received in the very act of ordination; for if, for example, a deacon or subdeacon, having previously been subject to some censure, proceeds to ordination and exercises the order received by reading the Gospel or Epistle, he will not escape irregularity, as Contenson of Tournai rightly states in the aforementioned passage. If someone... The reason is that he is then exercising the order with the censure previously incurred. Contenson of Tournard also rightly states in the same place, along with Avila, that the same applies to a priest who concelebrates with a Bishop, contrary to Sayr and Laym in "De irregularitatibus," c. 3, n. 5, 800.

Note 3: The age must be calculated not from the day of baptism, but from the date of birth, as is clear from canon 3 and others in dist. 77. See Croia, n. 2306.

It is doubted 1: Whether someone can be ordained on the day in which he completes the required age, in the evening? Some affirm this, including Diana Veteranorum, part 9, tract 9, reply 50, Salm, c. 5, n. 34, along with Ledesma, Philiber, and Escobar, n. 264, along with Trull and Marchin. The reasons given are: that the minimum age is considered as nothing; that a

day begun is considered as complete; and that evening and morning are morally considered as one day. However, it is more probable that this is denied, according to Croia, n. 2309, along with Navar and Villalobos; also Marchinus Paschasius and Narbonne, in Escobar, n. 264. The reason is that, for example, for subdiaconate, the age must be 22 years; therefore, someone who has not truly completed 24 years cannot be said to have reached 22 years.

It is doubted 2: Whether the days of a leap year can be excluded when calculating the age of those to be ordained? Some affirm this, including Barbatus, Henricus, Sylvestrus, etc., in Salm, "De ordinationibus," c. 5, p. 1, n. 33, because the required age is understood to mean the ordinary year, namely, one consisting of 365 days. However, it is truer to deny this, according to Bonaventure, d. 8, q. un., p. 5, n. 14, Sanchinius in "De Matrimonii," d. 24, n. 22, and Escobar, n. 286, along with Marchinus, Molfetus, and Diana Veteranorum. The reason is that the years are to be counted for the required age according to the custom of the Church, which rightly states that one day is to be added to every four years, because of the hours that remain in each year.

It is certain that Bishops cannot, in any way, grant a dispensation in age; however, Croia states in n. 2344, that today, through a special privilege...

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It is permissible for Bishops to grant dispensations for a certain time, at least for the benefit of a curate, where there is necessity, or utility for the Church. 801. — Requirement XII. Furthermore, in order to receive Holy Orders, one must have exercised the order previously received in the Church to which he is assigned, according to the Council of Trent, Session 23, chapters 41 and 43. However, Salmerius, in *De Ordinationibus*, chapter 4, paragraph 5, number 74, argues that this is not a grave precept, since the words of the Council are more advisory than prescriptive, namely: "In each order, let them exercise themselves according to the precept of the Bishop, etc." Requirement XIII. As prescribed by the Pontifical, those to be ordained must receive the Eucharist; but this is not under a mortal penalty, as Croÿ states in number 2225. Nor are they bound under a lesser penalty to communicate those who are being initiated into the minor orders, as the same Croÿ asserts with a reservation. However, priests are more strictly bound to communicate, since they truly celebrate with the Bishop, as we have said from D. Th., number 799, Question 3. Requirement XIV. Probity of life; but we have already spoken of this in the *Tractatus de Sacraments in genere*, number 65, and we will speak of it again shortly when we discuss the calling to the sacred ministry. 802. — Requirement XV. Divine vocation, and it is surprising that so many moral theologians do not say a word about this, given that it is a matter of such importance, upon which the eternal salvation of both those being ordained and the Christian people depends,

except for a few, among whom Habert, volume 7, page 433, and P. Conc., volume 40, page 42, have written extensively and excellently on this point. How necessary such a vocation is, is clear from the Holy Fathers, and from the Scriptures themselves, and especially from the words of *Pauli* to the Hebrews, chapter 5, verse 4: "Neither doth any man take the honour to himself, but he that is called by God, as Aaron was." Thus, Christ did not glorify Himself, as the Psalm says, but He who spoke to Him: "Thou art My Son." Therefore, the Apostles, in order to find a replacement for Judas, praying, they said: "Thou, O Lord, who knowest the hearts of all men, show who of these thou hast chosen to take part in this ministry and apostleship, which Judas has forsaken." And Christ Himself said in John, chapter 10, verse 1: "Amen, amen, I say to you." He that entereth not by the door is a thief and a robber; but if he enter by the door, he is the shepherd of the sheep, just as every priest is, and to every priest is entrusted the care of souls. And again, in John, chapter 15, verse 16: "You have not chosen me, but I have chosen you... that you may go and bear fruit, and that your fruit may remain." Again, in Luke, chapter 10: "Pray ye therefore that the Lord of the harvest may send forth labourers into his harvest." Therefore, those who intrude into the sacred ministry without being called by God are those of whom Jeremiah says (chapter 23, verse 21): "I did not send prophets, yet they ran." This is a class of people, as the Catechism says, who are the most unfortunate and miserable, and who are most harmful to the Church. The principal signs of divine vocation to the ecclesiastical state are: I. Suitable knowledge, of which we have already spoken in number 790. II. Probity of life, and speaking of this, the Council of Trent, Session 23, chapter 12, says: "Let them know..."

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Bishops ought to admit only those who are worthy to the orders, and whose life has proven to be virtuous in old age; according to that which is written (Wisdom 4:9): "And a spotless life is old age." Hence, the Apostle in 4 Timothy 3 prohibits the ordination of neophytes, that is (as explained in that place in the Summa Theologica), those who are not only neophytes in age, but also neophytes in perfection. Therefore, the same Saint, in the Second Part, question 489, article 1, ad 3, says: "The sacred orders require sanctity." And in the Supplement, question 35, article 1, ad 3, he says: "For the proper execution of the orders, not any kind of goodness suffices, but an excellent goodness is required." He gives this reason: "Just as those who receive the order are constituted over the people by the degree of the order, so too they must be superior in merit of sanctity." Therefore, he concludes: "And therefore, grace is required, which suffices for this, that they may be worthy to be numbered among the flock of Christ." And previously, Saint Dionysius, in chapter 3 of *Ecclesiastical Hierarchy*, says: "In all things divine, it is not permissible for anyone to be made a leader over others,

unless, according to all his qualities, he has become most godlike and most similar to God." But he who has only ordinary sanctity, namely, only habitual grace, cannot indeed be said to be most similar to God in all respects. To this, the famous saying of Saint Augustine also contributes: "Sometimes a good monk does not make a good cleric." And another saying of Saint Jerome to Rusticus: "Live in the monastery so that you may deserve to be a cleric." Therefore, Saint John Chrysostom wrote in book 2 of *On the Priesthood*, chapter 2: "Much greater integrity of life is necessary for this [cleric], than for those [monks]."

III. A sign is a right intention, namely, a desire to serve the divine glory and the salvation of souls, and not (as Saint Bernard says in the Declamations on the Gospel, "Behold, we...") the pursuit of honor, or the pleasures of the body, which are their own, and not those of Jesus Christ.

803. — But he who, without a vocation, explored by these signs, intrudes himself into the sacred ministry, cannot indeed be excused from a grave presumption. For, as Saint Anselm says (in chapter 5 to the Hebrews, on the words of the Apostle: "Neither doth anyone take..."), "He who intrudes himself, and seeks his own glory, robs the grace of God, and therefore he does not receive a blessing, but a curse." And the reason for this is taken from what is taught in the Summa Theologica, part 3, question 27, article 4: "Those whom God chooses for something, He prepares and disposes so that they are found suitable for that for which they are chosen, according to the words: (2 Corinthians 3) 'Our sufficiency is from God, who also makes us sufficient ministers of the new covenant.'" Therefore, those who are not chosen by God, but intrude themselves, will not be suitable ministers; therefore, Habert, in *On Orders*, chapter 4, section 2, wisely says: "This one will be able to care for his own salvation with great difficulty, and will remain in the body of the Church, like a member in the human body, moved from its proper place, which can serve, but with difficulty, and with deformity." Therefore, although speaking absolutely, he can be saved.

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He may, but with difficulty, find the path and grasp the means of salvation. But when he exposes himself to such great danger of damnation, I do not know how he will be excused from a grave fault, for the most learned Bishop Abelly says in his work "The Christian Priest," chapter 4, that he who, knowing that he has no divine call, intrudes himself into the priesthood, undoubtedly puts himself in open danger of ruin, that is, he sins against the Holy Spirit; and from the Gospel, we learn that this sin is scarcely, or very rarely, forgiven. These bishops commit themselves to this danger all the more, who promote those not called to the sacred orders, as the Apostle says (1 Timothy 5): "Impose not hands lightly upon any man, neither be partaker of other men's sins. Keep thyself chaste." And St. Leo says in his letter 1 (also 87) to the Africans, 2: "What is it to be partaker of

other men's sins, if not to make someone an ordained person, such as he is, who has not deserved to be ordained?" Therefore, the Council of Trent, in session 23, chapter 7, commands the bishop to diligently investigate and examine the instruction, morals, and doctrine... of those he intends to promote to the orders, before he promotes his subordinates to the orders. Indeed, everywhere in canon law it is prescribed, and especially in "Nullus" (decretal), dist. 24, that no one should be ordained unless he has been approved. Hence, St. Bernard wisely observes that only those who have been approved should be admitted to the orders, not those who are to be approved. For this approval to be obtained from the bishop, it is not enough that the bishop knows nothing bad about the person being ordained, but he must be certain of his positive suitability, according to the degree to which he intends to raise him, as is commonly said by Soto, 4 Sentences, dist. 25, q. 1, n. 3; Sanchez, Conf., c. 1, dub. 46, n. 1; Salm, de ord., c. 5, p. 2, n. 41; Holz, ibid., title, n. 46, and more fully Hab. Merbes, Conc., and others, with D. Th. Suppl., q. 36, art. 4, ad 3, where it is said: "At least (that is, not only, as the Glossary explains well), it is required that the ordaining person should not know that there is anything contrary to sanctity in the person being ordained, but it is also required that, according to the measure of the order or office, greater diligence should be applied, so that there is certainty about the quality of those being promoted, at least from the testimony of others." The quality of those being promoted is that which St. Thomas the Doctor expressed in 2-2, q. 489, art. 1, ad 3, where he said: "The sacred orders require sanctity..., therefore, the weight of the orders must be placed on walls already dried by sanctity (that is, as he adds) from the moisture of vices." And His Holiness Pope Benedict XIV, in the bull "Ubi primum," wisely addresses the bishops in this way: "With diligent and great care, you must investigate whether those who have undertaken higher ministries have lived in such a way, and have made such progress in sacred knowledge, that they are truly worthy to be told, 'Ascend higher'; otherwise, it is better for some to remain in a lower grade, rather than, to their greater peril and the scandal of others, to be promoted to a higher one."

[*Latin ed. p. 613*]

Speaking of such a trial, St. John Chrysostom says in Homily 16 on Timothy: "What is this that is done quickly? Not from the first trial, nor the second, nor the third, but where prolonged consideration has preceded, and the most accurate discussion, then impose hands." Nor is this matter without peril; for those who have committed sin, you too will incur punishment, who have given the beginning even to prior offenses. Therefore, Bishops in this trial should not be content with the simple testimony of the parish priests, who, led by human considerations, readily grant such testimonies to clerics, lest they attract the hatred of themselves and their

relatives; but moreover, they must be certain, having obtained secret information, not only that he has not been *malus*, that is, that he has not been quarrelsome, that he has not given scandal by frequenting games, or by immoral conduct, etc., but also that he is positively good, that is, that he lives a spiritual life, that he is diligent in the churches, that he frequents the sacraments and prayer, that he lives separated from worldly affairs, that he associates with virtuous companions, that he dedicates himself to study, that he uses modest clothing, etc. If, however, the prelate knows that the cleric has been tainted by some public scandal, it will not be sufficient to demand a common testimony about him, but it will be necessary to prove his amendment through the experience of many years; for then he must rightly fear that he feigns piety in order to attain the orders, and that, having received them, he will return to his former wickedness. Someone might say: "If this were observed, there would certainly be a lack of ministers in the Church." Benedict XIV rightly responds to this in the bull cited above from the Council of Lateran: "It is better to have fewer ministers, but virtuous and useful, than many who are of no value." But is it always to be denied to a cleric accustomed to a shameful hidden vice, who wishes to ascend to the sacred orders, absolution by the confessor, without a prior experience of continence? See the treatise on this point, book 6, number 63, 804. If, however, a divine vocation is necessary for the priesthood, it will be even more necessary for the offices of Bishops and pastors, of whom D. Thomas says in 2-2, question 485, article 4: "To desire the episcopate for the sake of the circumstances of good things... is illicit... to desire the episcopate for the sake of its high degree is presumptuous... but to desire to be useful to one's neighbors is, in itself, praiseworthy." Truly, because, as the episcopal office has attached to it the high degree of authority, it seems presumptuous that someone desires to lead in order to benefit those subject to him, unless a manifest necessity is imminent. This was confirmed by His Holiness Pope Benedict XIV in the bull most recently issued on April 12, 1753, which begins, "Most esteemed," saying: "No one should ignore that the very desire for the episcopate is not free from the guilt of sin, because although the desire to help others is praiseworthy, nevertheless, this help cannot be rendered without the office of the episcopate itself."

[*Latin ed. p. 614*]

The excessive desire for ecclesiastical dignities, for the most part, arises from the vice of presumptuous ambition.

805. "What are the duties of the minor orders?" Answer: I. The duty of the doorkeeper is to keep the keys of the church, to open and close its doors; to prevent those who are not permitted from attending the sacred services; to ring the bells; to guard what is within the church; and to present the book to the one who is to preach. II. The duty of the lector is to read in the church the lessons from the Old and New Testaments; also to instruct the

catechumens in the fundamentals of the Christian faith. ▪ (Also, to bless the bread and the new fruits. Salm. de Ord. c. 3. p. 2. n. 14. However, not to preach, as commonly stated by Salm. ibid. against Vasquez.) ▪ III. The duty of the exorcist is to lay hands upon those afflicted by unclean spirits, to adjure them, and to cast them out; also to exorcise the catechumens. ▪ (Suarez and Sanchez, against Philibert, hold that all the faithful can exorcise; although those who have been ordained for this purpose can do so more effectively, and therefore only they can perform it solemnly. See the aforementioned, l. 4. de Adjur. n. 493.) IV. The duty of the acolyte is to prepare the vessels of wine and water for the sacrifice of the Mass, and to hand them to the subdeacon; to carry the candles to the same sacrifice, and to minister to them, from which he is called a candle-bearer. V. The duty of the subdeacon is to immediately assist the deacon in the sacrifice of the Mass, to hand him the chalice and paten, to provide the cruet with water, to pour water for washing the hands, to read the Epistle according to the office, and to read it solemnly in the Mass. ▪ (Add, with Habert, to cleanse the pall, the corporal, and the purificator, as prescribed in the Pontifical.) ▪ VI. The duty of the deacon is to solemnly proclaim the Gospel in the Mass, to minister immediately to the priest in all that pertains to the sacrifice of the Mass, to adorn the altar, to carry the cross, and finally, by the commission of the priest, to preach and to baptize. ▪ (Provided that there is a just reason, namely, if there is no priest available to minister, as commonly stated by the Doctors of the Eucharist, no. 237. In a truly extreme necessity, namely, if there is no other priest, the deacon can and must administer the Viaticum, even without the commission of the pastor; likewise, the same Doctors, ibid. And the same applies to the administration of baptism; see de bapt. n. 116. v. Certum. However, if the deacon solemnly ministers baptism or the Eucharist without a commission, he incurs irregularity. See the aforementioned, no. 146. v. Dub. 2. and no. 234.) ▪ VII. The duty of the presbyter is to offer the sacrifice of the Mass, to absolve from sins, to baptize, to bestow blessings of water, and to perform similar acts, to feed the people with doctrine and example. Escob. e. 8. t. 7. c. 4. There are four principal obligations for those who are promoted to the higher orders, namely: 1. Reciting the canonical hours. 2. Maintaining chastity. 3. Having a title, that is, of poverty, of a benefice, or of patrimony, by which they are ordained. 4. Wearing the habit and tonsure. Concerning the first...

[*Latin ed. p. 615*]

We have already discussed the obligation of the divine office extensively in book 5, number 140. What remains here is to discuss the second, third, and fourth [obligations].

§ I. Concerning the obligation of celibacy.

806 How is this obligation proven?

807 Question 1. Is it of divine law?

808 Question 2. Is it from the precept of the Church, or from a vow?

809 Doubt 1. Is someone ignorant of such a vow bound to chastity?

Doubt 2. Is someone who expressly refuses chastity bound?

810 What if someone is ordained before the use of reason? And what if before puberty?

811 What if someone is ordained out of fear?

812 Question 3. How can someone who is married, with a valid marriage, be ordained in the sacred orders?

Doubt 1. Is the wife of such a person bound to profess the religion?

Doubt 2. Can such a wife marry again?

806. – The obligation of celibacy for those who ascend to the sacred orders is found in many canons, and especially in canon 4 of the 28th decree, where Pope Gregory thus prescribed: "Bishops should not presume to ordain a subdeacon unless he has promised to live chastely; for no one should approach the altar unless his chastity has been proven before he receives the ministry." And in the Council of Trent, session 24, canon 9, it is decreed: "If anyone says that clerics who have been established in the sacred orders, or Regular Canons who have solemnly professed chastity, can contract marriage, and that the marriage contract is valid, notwithstanding the ecclesiastical law or vow, let him be anathema." From this, it is understood that by such a solemn vow, any marriage contracted after the vow is rendered invalid, according to canon 1 of "De voto" and "De red. voti" in 6. If, however, the marriage was contracted beforehand, the person can be ordained, but cannot petition for ordination. And moreover, every time he violates chastity, he also commits sacrilege. See Salm. de Ord. c. 6, doubt 1, number 2.

807. – Question 1. Is this obligation of celibacy of divine law, so that the Pope cannot dispense with it? Major, Valdensis, etc., affirm this, according to Salm. de Ord. c. 6, doubt 1, number 9, and Azor considers it probable. But it should be said, with the common opinion of Doctors (with a specific vow), that it is not of divine law, but only ecclesiastical, so that ordained ministers are bound to chastity, either by the Church or by a vow attached to the order; and therefore, the Church can rightly dispense with this obligation for them. Thus, St. Thomas (Summa Theologica) 2.2, question 88, article 11, Cajetan, Soto, Sanchez, and others, agree with Salm. ibid., number 11, who adduces more examples of this kind. The reason is that, although such celibacy originated with the Apostles, as proven by Gonfalonieri, Valois, and Soto,

[*Latin ed. p. 616*]

etc., nevertheless, it was introduced and established only by the command of the Church, or of the Apostles (as Bellarmine proves), as is evident from the very words of the Council of Trent in the aforementioned

canon 9, as mentioned above. 808. – Question 2. Whether this obligation is immediately from the command of the Church, or mediately through a vow of the ordinands? Both are probable from the same canon 9 of the Council of Trent. The first opinion, held by Mastrius, Bosco, Herincæ, etc., as found in Holzm. p. 268, n. 103, and by Scot. Pal. Val. and Aversa in Salm. ibid. dub. 2, n. 48 and following (who, along with Sanchez, consider it to be very probable), states that they are bound to chastity not by a vow, but solely by the law of the Church in sacred matters; firstly, because, since the Church could have bound sacred ministers to observe chastity by itself, why should it be said that it also wanted to attach a sacred vow to the sacred orders, when we do not have this expressly stated in the law? Secondly, because, if the obligation of chastity were from a vow, it would follow that those who would invincibly ignore such a vow, or who would expressly refuse to make it, would not be bound by it to chastity: which would be absurd and pernicious. It does not contradict this to say that, according to this opinion, if a priest were to sin against chastity, he would only commit one sin against chastity, because the law of the Church, since it is about the same matter as is prohibited by natural law, does not multiply the species of sin; just as theft, prohibited by natural law, does not have a new evil, if it is prohibited by human law; and this would be contrary to the common opinion of the Doctors, who teach that those who violate chastity in the sacred orders also sin against the sacrilege. For Aversa and Salm. de Ord. c. 6, dub. 2, n. 28, rightly respond that a human precept well multiplies the species, when it is added to a natural precept for a different reason; for the assault on a cleric has a double evil, one against justice by natural law, and another against religion by the law of the Church, which, for the reason of religion, prohibits harming a person consecrated to God. Therefore, it is undoubtedly the case that a priest who violates chastity commits sacrilege, because the Church, for the reason of religion and out of reverence for the sacred order, imposes upon its ministers the observance of chastity. However, a religious priest, if he sins against chastity, commits only one sin of sacrilege, besides the sin against chastity, because he violates the same virtue of religion, and not another, as Salm. ibid. n. 39, rightly notes, along with Sanchez. The second opinion, however, is more probable, and is in agreement with St. Thomas (2-2, q. 88, a. 14), whom Bellarmine follows (t. 1, de matr. c. 21), Sanchez (eod. tit. l. 7, dist. 27, n. 40), Pontius (l. 7, c. 27, n. 7), Salm. ibid. n. 23 and 26, along with Vasquez, Cajetan, etc., and Escob. n. 476, along with Azor, Nav. and Soto, holds that the obligation of chastity does not arise immediately from the law of the Church, but from a vow which is emitted in the very act of ordination. Firstly, because this is already expressly stated in the law, and precisely in c.

[*Latin ed. p. 617*]

When it is said, concerning clerics who are married, "Therefore, not at-

tending to the fact that the Eastern Church did not admit the vow of continence, etc." It follows that, in the Western, or Latin, Church, the vow of chastity is already admitted. Secondly, because, if the obligation of chastity were entirely derived from Church law, the Pope could absolve all priests from it; but this would be contrary to the common opinion of Doctors, who grant the Pope the power to dispense only in the most urgent cases, concerning only ministers, as is stated shortly in n. 807, but not concerning priests (1). 809. — But here, the question is raised: 1. Is one bound to observe chastity who would be invincibly ignorant of the vow attached to that order? Salm. ibid. n. 35, say that one is bound either by the common opinion of Doctors, or by the force of an implicit vow, as they themselves believe, following St. Thomas and Sanchez, or by a precept of the Church, as others probably believe, according to the first opinion. However, others, as Croiae, l. 6, part. 2, n. 2162, with Pal. and Conink, still probably believe that, if the ignorance were entirely invincible, the ordained person would not be bound to chastity, neither by the vow, nor by the precept of the Church, because the Church would not intend to obligate in this way; otherwise, if the ignorance were culpable; or if someone intended to enter an order with the same obligation that others undertake, as is inferred from the statements in l. 4, n. 201, v. Qu. 1. Doubt 2. Is one who enters an order bound to chastity, if he expressly did not wish to vow chastity? Philib. believes that one would still be bound by the vow: this seems scarcely probable. Salm. de Ord. c. 6, dub. 2, n. 37, with Dicast., believe that, in that case, one would be bound to emit the vow; and meanwhile, they say, that if one were to sin against chastity, one would not commit sacrilege; but this latter point, namely, that it would not be sacrilege, does not seem sufficiently probable, and is contrary to the common opinion, as they themselves admit, Salm. ibid. n. 28. Hence, Sanch. de matr. t. 2, l. 7, d. 27, n. 42, with others, and Holzm. p. 268, num. 402, with Amico, Sayr., etc., more probably say that, in such a case, one would be bound to chastity, not by the vow, but by the precept of the Church, which, for the sake of religion (as we have said), would bind one to chastity, in the absence of a vow. 840. — It must be noted that it is certain that one who is ordained before the use of reason, although the ordination is valid (as has been proven in n. 782, with D. Th. and others commonly, from cap. un. De clerico per (1) Nevertheless, Julius III., in the 16th century, granted to Cardinal Pole, his legate in England under Mary queen, the faculty of dispensing with secular clerics, only with priests, deacons, and subdeacons, who, at the time of the English schism, had entered into marriage de facto, so that, as long as one of them remained alive, they might enter into a legitimate marriage between themselves, and thereafter, without hope of marriage, and with all exercise of their orders removed. Pius VII. also, in the confirmatory constitution of the concordat of August 15, 1801, declares that he had followed the footsteps of Julius III. concerning ecclesiastical men who, having been instituted in the sacred

ministry, had entered into marriages during the French Revolution. Edit.

[*Latin ed. p. 618*]

Those who, through fear, are ordained, or who are ordained invalidly, are not bound by the obligation of chastity; therefore, they can validly and licitly enter into marriage. Thus, Croix, n. 2161, and Salm, ibid., p. 1, n. 42, with Sanchez, Suar. Dic. and common opinion. But is one bound to chastity who, after the use of reason, but before puberty, is ordained? Pontius, l. 7, de matr., c. 29, n. 15, Bonaventure, ibid., tit. q. 3, part. 9, n. 9, and Escobar, n. 487, with Cajetan, Conc., etc., affirm this, because from natural law, there is already an obligation to observe this vow; conversely, there is no canonical law that invalidates such a vow. This is indeed probable, but Sanchez, de matr., l. 7, d. 3, n. 8, Salm, de Ord., c. 6, p. 1, n. 43, with Dic. Avers., etc., and Barbatus, all. 15, n. 4, with Abb. Host. Nav. Soto, and Henry, Ratio, do not improbably deny this, because such a vow places the person in an irrevocable state, in which the Pope rarely, if ever, grants dispensation; therefore, such a vow prevents the full and perfect use of reason. The same is said of one who is ordained invalidly, either through a defect in form, matter, or intention; for example, if someone were to accept ordination by force or fear, without the intention of being ordained, as Salm, ibid., n. 45, and 46, and Croix, n. 2162, with common opinion, state. (And it should be noted that those who are not bound by chastity are not bound by the divine obligation; as stated in l. 5, n. 114, see "Quaeritur"). However, in cases of doubt, one should presume in favor of the validity of the ordination, as Croix, n. 2203, and 2230, 841, state. But it is doubtful whether one who is ordained out of grave fear, but with the intention of being ordained, is bound to chastity. Pontius, de matr., l. 7, c. 29, and St. Antoninus, Sot. Pal., etc., apud Croix, n. 2163, say that they are bound until they are dispensed by the Pope; because fear diminishes, but does not abolish, the voluntary act. However, Sanchez, de matr., l. 7, dist. 19, n. 5, Bonaventure, cited above, q. 3, part. 2, n. 44, Escobar, n. 483, with Sayr. Conc. and Graff, and Salm, ibid., n. 46, with Azor. Dic., etc., say that they are not bound, and can validly enter into marriage (but cannot minister in the priesthood while married, nor can they enjoy clerical privileges. See Salm, ibid., n. 50). The reason is that, according to the more probable opinion, as stated above, those who are ordained are not bound by chastity, except by vow, and it is more true that a vow extorted by fear is invalid, according to c. Cum dilectus, concerning those who are forced, etc. See the statements in l. 4, n. 197, see "Quaestio." However, Salm, ibid., n. 47, with Nav. and Vega, limit this opinion, if the person, after the fear has passed, ratifies the ordination, either by words or by ministering in the priesthood: provided that they know and understand that by such an act, they are subjecting themselves to this obligation. Furthermore, it is advisable that those who are ordained out of fear seek dispensation, which has been granted on several occasions

by the Holy See, when the fear has been solidly proven, as reported by P. Zacharia apud Croix, l. 6, part. 2, n. 2163. What if the fear was inflicted for a just cause, for example, if a Bishop, due to a lack of ministers, were to force someone to be ordained? Sanchez, de matr., l. 7, d. 19, n. 8, and Dicast. ex Na-

[*Latin ed. p. 619*]

Variant: In Salm, *De Ordinatione*, chapter 6, page 4, paragraph 48, it is stated that this [person] is not bound by a vow of chastity, because, as they say, fear, whether just or unjust, and whether grave or slight, always invalidates a vow. However, it is better to hold the opposite view, as stated by Sanchez himself in the aforementioned work, and by Salm in the same place, paragraph 47, at the end, along with Dic and Philibert, because in that case, the person would be unreasonably unwilling; and therefore, fear does not invalidate the vow, just as it does not invalidate marriage, as stated in the aforementioned work, paragraph 4057. 812.

Question 3: Can a person who is already married, with a valid marriage, be initiated into the sacred orders? It is certain that, without the wife's permission, it is not permissible for a married person to receive the sacred orders, nor even the tonsure, according to chapter 6 of the *De Temporibus* of the order, and in the *Extravagantes Antiquae*, concerning vows. Indeed, irregularity is imposed on the person who is ordained into the sacred orders without said permission, or a legitimate divorce; even if the marriage had not been consummated; because this is only annulled by a profession of religious life, but not by ordination, as in the same *Extravagantes*. See Salm, ibid., page 2, paragraph 51, and following. However, it is probable, with Sanchez, Avers, and Salm, ibid., paragraph 56, that a person who is ordained into the sacred orders after a valid marriage is not required to make a profession of religious life, as they say there. St. Antoninus, Azor, and Led. state this as well. Because a greater burden is to make a profession of religious life than to simply bind oneself to chastity. It is permissible for a married person to be promoted to the sacred orders with the wife's permission, provided that she vows chastity, as stated in chapter "Conjugatus," concerning the conversion of married couples. And provided that the permission is expressed and entirely voluntary, as stated in chapter "Consuluit," in the same title.

But here is a doubt: 4. In that case, is the wife still bound by the vow of religious life? Sanchez, in *De Matrimonio*, d. 39, paragraph 6, and Salm, ibid., paragraph 58, along with Soto, affirm this. But it is truer to deny it, as Pontius states in *De Matrimonio*, book 6, chapter 25, paragraph 7; Dian, page 4, treatise 4, response 129; and Hurtado, *Eœ Navigations*, and Sa, in Renzi, page 371, question 3. And this is clearly proven from the aforementioned chapter "Conjugatus," where it is stated: "No married person shall be promoted to the sacred orders, unless he has been absolved

by his wife professing continence." It does not say professing religious life, but professing continence. However, an exception must be made: 4. if the man is to be appointed a bishop, then the wife must absolutely enter religious life, as is stated in chapter 6 of the aforementioned "De Conversione Conjugiorum." Another exception: 2. if the man were to become a religious, and the wife were young, according to chapter "Cum Sis" in the same title, where it is stated: "We prohibit that you allow a man or a woman to pass over, unless both have entered religious life." However, if the wife is elderly and sterile, which could be without suspicion, you can conceal this, so that, while worldly affairs remain, and she promises chastity, her husband may enter religious life.

Doubt 2: If this man is promoted to the sacred orders, and the woman has made a simple vow of chastity, will the marriage validly continue after the man's death?

[*Latin ed. p. 620*]

The first opinion denies this, and this view is held by Sanchez de Matrimonio, book 7, chapter 40, number 2; Mazzotta, volume 4, page 213; and Salmeron de Ordinatione, chapter 6, page 2, number 59, citing, as they claim, from the common decree "Quia sunt" (Decree 10, Decretal 28), where Pope Gregory says, speaking of a second marriage entered into with a woman of this kind: "Those who are joined together in an unlawful manner, let them be separated." And the same is said in canon 14, following. The reason is that the Church, out of reverence for the order assumed from the first husband, and out of the vow made by the wife, renders her incapable of a subsequent marriage. This opinion is indeed more common and highly probable; but the second opinion is also quite probable, as stated by Soto in De Justitia, book 7, question 5, article 3, and by Pontius in De Matrimonio, book 7, chapter 25, number 40, who say that the aforementioned marriage is valid; for although separation of the spouses is commanded as a penalty for a second marriage contracted, it is not declared that the marriage is null; all the more so, since this penalty of separation is also imposed on others for different crimes, as proven by Pontius, chapter 20, number 6, without the marriage being declared null. But can a man who has, for a just cause, made a permanent separation from his wife, receive holy orders, whether she is aware of it or not? See the aforementioned passage on marriage, number 965, where we say, with common opinion, that he can.

§ II. Concerning the obligation of having a title (of support).

813. The penalty for those who violate this.

814. Concerning the title of poverty.

815. Concerning the title of beneficence.

Note 1. According to which diocese should the amount for the sufficiency

of a benefice be determined?

Note 2. What if the deficiency is slight?

Note 3. What is included under the name of benefice? Are they missal stipends?

816. And is a benefice granted in the future sufficient?

817. Concerning the title of patrimony.

818. Question I. Can anyone be ordained for the title of his industry (secular employment)?

819. Question II. Is the father obligated to assign a patrimony to a son who wishes to be ordained?

820. Question III. Does one incur suspension who is ordained without a title?

821. Doubt 1. Can someone be ordained with a fictitious patrimony?

823. Doubt 2. Can someone be ordained, having given his word to return something to the donor?

823. Doubt 3. Can someone who, after ordination, renounces what he gave to the donor?

823. Doubt 4. Can a man who is ordained renounce his patrimony, if he has support from elsewhere?

843. It is certain from the Council of Trent (Session 21, Canon 2) that a Bishop cannot admit anyone to the sacred orders unless he has a title of support; otherwise, the Bishop who ordains, or grants dispensations, is himself obligated to support him, until he has a title, according to the canons "Cum secundum" (De præbenda) and "Accepimus" (De aetate et qualitate ordinis). If, however, the Bishop refers the matter to examiners, and they, in bad faith, approve a title...

[*Latin ed. p. 621*]

They shall have demonstrated it, they themselves are bound, in proportion, to contribute to the sustenance of the clergy; but, if they do not have from whence to provide sustenance, recourse may be taken against the Bishop, as the Glossary states in Decretum, cap. Cum secundum. Furthermore, if the sacred orders have been conferred by different Bishops, each Bishop who conferred the order is bound, in proportion, to provide sustenance, according to chapter 4 of De præb. However, the Bishop (or others, as mentioned above) is not bound to provide sustenance in the following cases: I. if, having exercised due diligence, he has ensured that the property was genuine, and it has been lost by chance, or found to be fictitious. II. if the cleric can live from elsewhere, even from his honest labor, or if he has a wealthy father, because the father is legally bound to support his son. Salm. de ord. c. 6, p. 3, n. 63, with Barb. Furthermore, it should be noted that if the title by which he received the subdiaconate is lost by chance, he cannot pro-

ceed to a higher order without a new title. Croia, n. 2284, with Pal. and Gob. The title of sustenance can be either of poverty, or of sufficiency, namely, a benefice, or property, of which we shall speak individually. 814. — And I. Regarding the title of poverty: only those Regular Canons who have made a solemn profession are ordained with this title, and not novices, who, according to Constitution 75 of Pope Pius V, Romanus, cannot receive the sacred orders under pain of suspension, unless they have property, except for those of the Society of Jesus, who may be ordained after their simple vows: and, if they are expelled from the religious order, they must be supported by them until they have means of living, as Philib. states apud Salm., ibid., n. 64, citing a Decision of the Sacred Congregation. However, Croia absolutely denies this, n. 2188, and n. 2196, referring to several other declarations. The Sacred Congregation, on the contrary, as P. Zacharia states apud Croia, ad cit., n. 2196, adds that Pope Benedict XIII, in a Motu proprio, published on June 14, 1724, declared forever that the Society is not bound to provide any kind of adequate sustenance, or food, to those who are expelled by their superiors after two years of probation, even though, while they were in the Society, they may have been promoted to the sacred orders of the priesthood under the title of poverty. And the Pope sets forth this reason for such a sanction, so that no one may derive benefit from their fault, having given cause for dismissal. 815. — II. Regarding the title of benefice, it must first be noted the Decree of the Council of Trent, session 21, chapter 2, de Ref., which states: "Since it does not befit those who are dedicated to the divine ministry to beg...; and it has been ascertained that many in various places are scarcely admitted to the sacred orders, who fabricate that they possess an ecclesiastical benefice, or even suitable means of livelihood: the Holy Synod decrees that no cleric of the secular clergy, however suitable he may be in morals, etc., shall be promoted to the sacred orders, unless it is first legitimately established that he possesses an ecclesiastical benefice, which..."

[*Latin ed. p. 622*]

He must be able to provide for himself honestly, and possess property peacefully. However, this benefit cannot be resigned unless mention is made of it, and it is the reason for which he was promoted to that office; nor is resignation permitted if he can conveniently live elsewhere, and any other resignation is null. Those who receive a patrimony or pension afterwards cannot retain it, unless the Bishop judges that they should retain it for the necessity or benefit of their churches; and even then, it must be ensured that they truly obtain that patrimony or pension, and that it is sufficient to support them in life; and it may not be alienated, extinguished, or remitted in any way without the Bishop's permission, until they have obtained a sufficient ecclesiastical benefice, or have some other means of support, under penalty according to the ancient canons,

which are now being amended. Note 4. The sufficiency of the benefice must be determined according to the assessment of the diocese in which the benefice is located, if it requires perpetual residence; but if it does not require it, according to the assessment of the place of origin, as has been repeatedly declared by the Sacred Congregation in the years 1704, 1708, and 1713, in Benedict XIV, *De Synod.*, book 42, chapter 9, number 2, where it is stated that this has been confirmed by Innocent XII in the apostolic constitution *Ministerii*, which was subsequently confirmed and extended throughout the world by Benedict XIII. Note 2. If the deficiency of the benefice is slight, it is permissible to be ordained; otherwise, if it is considerable, as noted by Viva in *Eo Dian.*, page 4, paragraph 4, rule 52, with Sanchez and Navar. Viva considers a deficiency of one-fifth to be considerable, article 4, number 5. Note 3. Someone can also be ordained to the title of perpetual coadjutor, as stated by Sanchez and Navar in Croio, number 2269 (provided that the coadjutor has adequate support for that purpose, as rightly pointed out by Gonzalez and Garcia in Barb., allocation 49, number 23). Or to the title of daily distributions, or chaplaincy, or pension, or perpetual stipend (Stipends are certain revenues abstracted from the revenues of benefices). Thus, Salm. *De Ord.*, chapter 6, page 4, number 68 and 69, and Barb., *l.c.*, number 24. Campanile; and this even if the office or chaplaincy is removable, provided that the one who has the right to appoint is obligated not to remove the ordained person, until he obtains a benefice or patrimony for himself, as wisely noted by Benedict XIV, Notification 26, number 44. Stipends from masses or alms are not sufficient for ordination, unless they are certain, or unless these commonly occur in sufficient amounts to support a person, as Philibert says in Salm., *dict.*, number 69, at the end; see the aforementioned number 774. Neither is the title of the Bishop's table sufficient, unless there is the consent of the chapter, at least tacitly, that is, if they are aware and do not contradict, as Croio, number 2271, proves from practice 846. — Question: Can someone be ordained to the title of a certain benefice in the future? Sayr, Campanile, etc., affirm this, as stated in Salm., *ibid.*, number 70.

[*Latin ed. p. 623*]

Jordan admits this. See Croia, no. 2273. If, from the circumstances, it is clearly seen that the possession is not to be hindered. But it is truer to say that Barb. affirms this in all its parts, no. 19, no. 28, as do Led. Garcia, Salzedo, and Ugol. Bon. p. 5, no. 29, as do Sayr. and Cenedo, and Salm. in the same place, as do Philib. etc. Because the Council of Trent, in the place cited above, requires the peaceful possession of the benefice; therefore, he cannot be ordained, even if unjustly hindered from possession. However, if someone possesses a benefice, but is unable to collect its revenues until he is ordained, he can rightly be ordained as a subdeacon and deacon. Thus, Barb. no. 29, as do Armend. and Gare, 847, part III. As for the title

of patrimony, for this title, according to the Council of Trent, session 24, chapter 2, not all can be ordained, but only those whom the Bishop judges to be suitable (the words of the Council of Trent) for the necessity or convenience of their churches. The patrimony, however, must be on a certain and immovable thing, and of its nature productive, peacefully possessed, and not burdened with foreign money or a mortgage, as is commonly stated in Salm. de Ord. c. 6, p. 5, no. 76, and in Potest. no. 54. Therefore, it is not sufficient if someone, even in writing, promises to provide sustenance upon ordination; it is sufficient if there is a perpetual census that is still redeemable, because here it produces fruit; provided that the Bishop takes precautions that, if it is redeemed, it be applied to another purchase, as Croia notes. And this is also admitted by Benedict XIV, Notification 26, no. 12, and Escob. no. 378, as do Pal. Marchin. and Leand., and the decision of the Roman Rota. It is also sufficient if someone donates, from his revenues, a total amount of gold annually that is sufficient for sustenance, by means of an instrument upon ordination, as Ugolin. and Philib. say, in Salm. ibid. no. 77, at the end. This is admitted by Barb. in Croia, no. 2272, in the case where there is a shortage of priests. Indeed, Benedict XIV, in the same place, no. 16, from a decree of the Sacred Congregation, admits this even when a cleric is accepted for the necessity or convenience of the Church. Gob. adds there that it is sufficient if a count or community obligates its goods to provide for a cleric: which seems very probable to me, at least with regard to a community, as it seemed to others to whom I consulted (and if Croia in the same place calls the opposite more probable). For the Council of Trent does not in any way limit that the patrimony be constituted on a stable thing; it only prescribes in session 24, chapter 2, that it be true and sufficient to support the cleric, because the Council intended to caution that the ministers of the Church should not be forced to beg for lack of resources. Therefore, the obligation of a community is safer for this purpose than the assignment of a certain thing, since the latter can more easily fail than any entire community. It should be noted that in the concordat of our kingdom, it is stipulated that in the future, patrimonies cannot be established except solely on immovable goods, or on fixed annual revenues; see the words of the concordat in the aforementioned place, no. 830, at the end. The patrimony is considered in place of a legitimate one, unless otherwise expressly stated by the will of the founder. See Potest. no. 55, as do Pal. Mol. and Croia, no. 2277, contrary to Vivam. art. 4, no. 6, at the end, as do Garcia.

[*Latin ed. p. 624*]

848. — Question I. Can someone be ordained without property, but based on the income from their profession, such as if they are a painter, teacher, or another profession? Gonz., Barb., Cord., Henriq., Garcia, etc., affirm this according to Salm. on ordinations, chapter 6, page 3, number 65, because they argue that it is prudently judged that they will not lack

a suitable livelihood, according to the mind of the Council. However, the opposite is held with Croix, number 2275, and Sa, Diana, Sanch., Led., with Salm., ibid., number 66. And on this matter, Benedict XIV, in Notification 26, number 7, cites several decisions of the Sacred Congregation and specifically mentions one issued in October 1589, in which it was stated: "If someone has only what they earn through industry or honest labor, such as if they are a musician, a master of grammar, a painter, a writer, or another profession, they cannot be promoted, even if it is sufficient for the sustenance of life." Also, on May 23, 1609, the Sacred Congregation responded: "The degree of doctorate, both in theology and in canon law, is not a title to which someone can be promoted to the sacred orders; but it is absolutely necessary to have either a benefice or property sufficient to honestly support oneself for life." The reason is that the Council of Trent decreed that someone to be ordained must not only have a means of livelihood, but also, to avoid fraud and errors, it must be legitimately established that they peacefully possess a benefice (or property). These words exclude any hope of future acquisition, since such hope may fail due to infirmity or another accident.

849. — Question II. If a son, against the will of his parents, wished to enter the priesthood, would the father be obligated to assign him a patrimony? It is affirmed with Sanch. on matrimonial cases, book 4, chapter 26, number 4; Barb., all. 49, number 63, with Campanile, and Genuensi, and Salm., ibid., page 5, number 87; Philib., etc. Indeed, these authors say that he can even be compelled by an ecclesiastical judge to do so; just as the father can be compelled to assign a dowry to his daughter who has entered into a worthy marriage, or who desires to enter religion, as Lopez and Aven. say, according to Salm., cited, number 87.

850. — Question III. Does one incur the penalty of suspension if ordained without property or a benefice? The first opinion denies this, with Viva, quaest. 7, art. 4, number 6, and Tol., Con., Phil., Diana, Henr., and others, according to Salm. on ordinations, chapter 6, page 4, number 72, with Sayr., March., and Gob., according to Croix, number 2283; also, Escob., number 366, with Tol., Avila, Rodr., Henriq., Vivald., Diana, and Marchino. This opinion is considered sufficiently probable by Salm., volume 5, because, although in the canons "Neminem" and "Sanctorum," district 70, suspension is imposed by the very fact of having entered into the exercise of the order for someone who is ordained with a fictitious title; nevertheless, in the chapter "Cum secundum," from the decree of Innocent III, this penalty was commuted by the ordaining prelate into an obligation to support the ordained, as the Glossary notes, and Sanch. and Aversa say. Therefore, since the Council of Trent, in session 24, chapter 2, renewed the penalties, it is understood that the penalties that were then in force according to the sacred canons were also renewed, namely that the ordaining prelate

is obligated to support the ordained.

[*Latin ed. p. 625*]

without a title, but not as regards the ordination itself, the penalty for which had already been revoked. And on this point, Escob. n. 366, cites a declaration of the Sacred Congregation, issued in the year 1583 (which is also cited by Barbosa, Garcia, and Vivald.), in which it is stated: "He who is ordained against the form of these decrees (that is, of the Council) without benefit or patrimony, is not thereby suspended, nor does he incur any penalty, but the ordaining priest is to be obliged to provide for him, according to chapter Second, according to the Apostle, concerning stipends, which alone is a canon, and not others, that was introduced by the Council. Nor does the bull of Pope Pius V, *Romanus*, issued on October 14, 1568, as Bonac. argues on page 5, n. 47, prevent this, in which it was decreed that religious who are ordained without patrimony before their profession, and also clerics living in common, should incur suspension. For this decree was specifically for these, and is not to be extended to others. However, it is not doubted that he who is thus ordained sins morally, as rightly stated by Vivald. in the aforementioned place. Nevertheless, the second opinion is more probable, as held by Suar. de censur. d. 31. sect. 1. n. 35, Sanch. Cons. lib. 7. c. 1. dub. 35. n. 42, Bonac. d. 8. q. unic. p. 5. n. 25, and Salm. de ord. c. 6. p. 4. n. 73, which contradicts Aversa; for the Council said: 'innovating the penalties of the ancient canons upon these.' It said 'innovating,' therefore it also renewed the penalties that had been revoked. It said 'penalties,' not 'penalty'; therefore, it intended to renew not only the penalty of the ordaining priest, but also that of the ordained. It said 'canons,' therefore it innovated the penalties not only of the canon of Innocent III, but of all; and therefore it added 'of the ancient.' Nevertheless, Salm. ibid. n. 75, notes, with Sanch., that, since possession is not required in these canons, if someone were ordained with a true title, but without that possession, he would indeed sin against the precept of Trent, but would not incur suspension. They note II, that, since in ancient times a sufficient title for support was not required, but any title was sufficient, as they say in Nav. and Manuel, it is very probable that he who is ordained with an insufficient title will be excused from the penalty, although he will not be excused from sin. It should be noted III, that, as Vivald. states in the aforementioned place, in the synod of the Neapolitan diocese, suspension is imposed by the very fact, reserved to the Archbishop, on those who receive even the first tonsure with a false title; and all who participate in this incur, by the very fact, a reserved excommunication. 821. — But according to this second opinion, namely that he who is ordained without patrimony incurs suspension, the following question is raised: 4. Whether, in other places than Naples, he who is ordained with a false patrimony incurs it? The first opinion, held by Escob. n. 366, with Tol. and Avila, also Palaus, Di-

ana, Gobat, etc., as cited by Potest. de exam. ord. n. 64, denies this, because Trent innovates the penalty of suspension, but under the condition that it is not first legitimately established that he peacefully possesses a benefit or patrimony. They say that when someone is ordained with a patrimony—

[*Latin ed. p. 626*]

A pretended patrimony, from which it must be externally evident that it is false: therefore, although he sins in that he compels witnesses to swear falsely, he does not incur suspension, the Second Opinion affirms; and since it is established as the true opinion above, that a cleric ordained without a patrimony incurs suspension, I believe that this opinion should be followed, as Sanch. on Matrimony, dist. 32, n. 8; Suar. on Censures, dist. 31, sect. 1, n. 35; Bon. loc. cit., p. 5, n. 21; Barbosa, all. 19, n. 57; and Salm. on Ordinations, c. 6, p. 5, n. 78, call it certain, along with Fagn., Leand., Bonac., Led., Rodr., and Potest. ibid., n. 65. For they say that a cleric ordained with a pretended patrimony not only sins by employing false witnesses and deceiving the Church, but also incurs suspension. The reason is that he who is ordained with a pretended patrimony is, in truth, ordained without a patrimony, according to the intention of the Council and the canons, which require a title, lest the cleric be compelled to redeem [the patrimony]; and therefore, the Council said, "unless it is first legitimately established, etc.," which legitimately means that the documents of the title must also be legitimate. Another reason is that, when someone is ordained without a patrimony, the ordaining Bishop is bound to support him; but he is not bound if, unbeknownst to him, that person is ordained with a pretended patrimony: and thus a decision is reported from the Sacred Congregation of Benedict XIV, Notif. 26, n. 46, dated November 27, 1710. Salm., cited above, n. 78 and 79, and Nav., Rodr., etc., rightly believe the same, if the patrimony has been established only in appearance, without the transfer of ownership of the property to the cleric, because then it would be the same as if it had not been established. 822. — Doubt 2. Does he incur suspension who is ordained with a patrimony that has been given, but with a promise or agreement to return it to the donor after ordination? It is said that after ordination, for if the renunciation were made before it, it is certain that the renunciation would be valid, and then, without doubt (according to the same Second Opinion cited in n. 820), the ordained person would incur suspension, as Bonac. rightly notes, d. 8, q. un., p. 5, n. 23. Therefore, it is doubtful if there is an agreement to restore the patrimony after ordination. The First Opinion says that the cleric is not bound to fulfill such an agreement, and therefore does not incur suspension: this opinion is held by Diana, 3, p. tr., 4, r. 184, along with P. Led. and Vill., and Escob., n. 369, along with Sa. and Leand. The reason is that, in this case, the Bishop acquires a right over that patrimony, since he is otherwise bound to support the ordained person; and also, in the Council of Trent, session 21, c. 2, it

is said that the title of ordination (whether it be a patrimony, a benefice, or a pension) cannot be alienated, or extinguished, or remitted without the consent of the Bishop. And that agreement, since it is contrary to the disposition of the Council, is rejected as shameful, and therefore, since that cleric is truly ordained by that title, he does not incur suspension. The Second Opinion, however, says that the cleric is bound to restore the patrimony, and does incur suspension, and this opinion is held by Avila, Corduba, Lopez, and Delacrux, apud Diana, loc. cit. The reason is that such an agreement, let it be.

[*Latin ed. p. 627*]

It is illicit, but not reprobated by law; therefore, a cleric thus ordained is bound in conscience to return the patrimony, having received it with that condition. However, it must be clearly distinguished from what is stated in Palao, page 11, paragraph 45, and it must be said that, if the donor truly intended to give, then, although the cleric may sin by accepting the donation under such a condition, after ordination he is not bound to restore the patrimony, for the reason mentioned above in the first sentence; because the agreement is rejected, as it is contrary to the prohibition of the Council of Trent concerning the alienation of patrimony without the permission of the Bishop; and therefore, he does not incur suspension. This is the opinion of others besides the aforementioned authors, Tolet, book 4, chapter 48, paragraph 5, and Barb., collection 20, number 30, along with Garcia, Manuel, and others; and thus the Holy See declared on March 6, 1638 (according to Benedict XIV, Notifications, 26, number 28), saying: "The Holy See judged that he who, in fact, alienated the patrimony, for the title of which he was ordained, without mentioning that he had been promoted to that title, did not incur censures, but that the alienation made was null by law." And likewise, the Holy See has declared on several occasions (as reported by Father Zacharia in Croix, book 6, page 2, in reference to number 2286) that any exchange, mortgage, or guarantee of the patrimony or title, without the permission of the Bishop, is invalid, even if the one who is to be ordained has no means of support. However, if the donor did not have a true intention of giving, then the ordained person is bound to restore the patrimony, because in that case he never acquired ownership of it, since it was not a true donation, but a pretense of a donation, and therefore he incurs such a suspension; thus, Nau, Manual, chapter 27, paragraph 58, Bonac., in the same book, (who holds this as certain), Sanch., on marriage, book 6, chapter 32, paragraph 8, along with Majol, Met., etc., Roncaglia, page 130, question 3, response 4, along with Tamb. and Salm., on ordination, chapter 6, page 5, paragraph 82, along with Philib., Gabr., etc., also Marchant, Garcia, Turrebl., Lop., etc., according to Escob., number 367. This is not hindered by the Council of Trent, because the Council, in prohibiting the alienation of patrimony, speaks of clerics who have truly acquired it,

as is clear from its own words, those who truly receive patrimony or a pension. Nor does the Bishop acquire any right over the property fictitiously donated, since the Bishop who ordains in good faith is not bound to anything, as rightly stated by Sanch., in the same book, along with Navar. and Decio. However, it should be noted that, although the cleric is bound in conscience to return the patrimony in this case before a judicial sentence, nevertheless, the donor (as also rightly stated by the same Sanch., in the same book, along with Corduba and Salm., cited, number 72, along with the common opinion) has no legal action against the cleric to recover the donated property; rather, he deserves to be deprived of it as punishment for his crime; therefore, it seems that such a cleric, if he intends to seek a judicial decision to have the property awarded to him, may temporarily retain the property (even though he has already incurred suspension), according to what is stated in book 4, number 890, and Monacel reports that the Holy See has decided that the fictitious donor is to be free to relinquish the patrimony to the ordained person.

[*Latin ed. p. 628*]

823. — Objection 3. Does a cleric incur a suspension who, after receiving the diaconate, or subdiaconate, having truly donated his patrimony, renounces it to the donor (without any prior agreement), and is then ordained a priest, concealing the renunciation? Potesta affirms this in *de exam. ord.*, no. 77. But it is truer to say that Bon. *part. 5*, no. 125, along with Nav. Henriq. Avila, Sayr. Mol., etc., and Salm., *ibid.*, no. 83, along with Sanch. *Diana*, and Philib. *Ratio*, deny this, because such a renunciation is entirely null, as we have seen above; therefore, such a priest is said to be validly ordained. Moreover, the penalty of the canons, which was renewed by the Council of Trent, is not imposed on those who alienate their patrimony, but on those who are ordained without it. It does not invalidate the fact that such a cleric, although ordained, does not actually receive the fruits of the patrimony; for it is sufficient that he is able to receive the fruits, if he wishes. This is confirmed by the decree of the Sacred Congregation, cited above, no. 824. — Objection 4. Can a cleric renounce his patrimony without the permission of the Bishop, if he has support from elsewhere? There are three opinions. The first opinion affirms this, and is held by Azor *part. 2*, book 3, chapter 4, question 3, page 41, no. 13, along with Steph. Gratiano, Flaminio, and the common opinion, as they assert; also, Garcia, and Molf., *ap. Salm.*, *de Ord.*, chapter 6, page 5, no. 84, and Tamb. *de ord.*, book 7, chapter 6, § 4, no. 49, Diana *part. 9*, tract 8, reply 23, and Barb., no. 90, along with Menoch. Surdo, Cevall., and Cassian; and Sanchez *Cons.*, book 7, chapter 1, doubt 43, and Viva *qu. 8*, article last, no. 6, explicitly agree with this opinion. They prove it from the 21st session of the Council of Trent, chapter 2, where it is said: "And these [namely, patrimonies, benefices, etc.] may not, from then on, be alienated

without the permission of the Bishop, until they have obtained a sufficient benefice, or have some other means of support." Therefore, they argue, if a cleric cannot alienate his patrimony without the permission of the Bishop, unless he has some other means of support; then, it is certainly permissible for him to alienate it, if he has some other means of support, even without the permission of the Bishop; and the Bishop, in any case, such as to redeem captive parents, and the like, can grant permission to alienate the patrimony, even if the cleric does not have any means of support. The second opinion, held by Led. and others *ap. Viva*, *qu. 7*, article 9, no. 6, says that such an alienation is illicit, but not invalid; indeed, Suar. *de censur.*, book 31, section 4, no. 38, says that it is valid, even if the cleric does not have any means of support. The third opinion, held by Croix, no. 2286, Barb., supplement 49, no. 90, along with Quintanad. Campanile, and Ugol. Escob., no. 382, along with Marchino, Cenedo, etc., and Salm., *ibid.*, 85, along with Vasq. Philib., and Leand., says that such an alienation is invalid and illicit. The reason is that, if the cleric does not have any other means of support, neither can the Bishop (speaking ordinarily, as must be understood from the Council) grant permission to alienate it; for this would signify...

[*Latin ed. p. 629*]

That particular case, namely, because only the Bishop can grant permission, both because the cleric must have a means of livelihood; and because patrimony is considered among ecclesiastical goods, and enjoys the same privilege, so that it cannot be subjected to levies by a secular prince, as is stated in chapter 6, concerning taxes. Therefore, such a patrimony is inalienable without the Bishop's permission. And I am more inclined to adhere to this third opinion, because of the decree of the Holy Congregation, which on February 4, 1652 (in Benedict XIV, Notitia, 26, n. 9) responded in this way: "A renunciation of a patrimony, under the title of which a cleric was originally instituted to the sacred orders, made without the Bishop's permission, is not valid, even after an endowment has been secured for his sustenance during his lifetime." Note here another decree issued by the Holy Congregation on February 5, 1604, in which it was decided that it is not forbidden for a cleric to mortgage his patrimony, provided that a portion of the fruits, sufficient for his sustenance, is left to him, not for a luxurious, but for a modest living, according to the judgment of an ecclesiastical judge.

§ III. Concerning the obligation to wear the habit and to receive tonsure.

325. Question I. Do clerics gravely sin if they do not wear the habit?

325. Question II. Do clerics gravely sin if they do not receive tonsure?

327. When do those who have relinquished the habit and tonsure lose the privilege of the forum and canon?

328. To what are priests bound by the bond of obedience which they promise to the Bishop? Can they enter a religious order, if the Bishop objects?

329. What obligation is imposed on those who have been dismissed, and on the prayers which are imposed by the Bishop on the ordained?

330. Concerning the statutes in the concordat of our kingdom.

325. — IT IS CLEAR from the entire canon law that clerics are bound to wear the habit and clerical tonsure; hence, from the Tridentine Council, Session 14, chapter 6, those who do not wear the habit and tonsure can be suspended. But question I: Does a cleric who does not wear the habit commit a mortal sin? Panormit. affirms this in Pal. p. 18, n. 3, even if he is only constituted in the minor orders, and they prove this from the penultimate chapter on the life and honesty of clerics. Others, such as Salmant., say that this sin is not a grave one (as indeed the common opinion holds), but that one is not excused from venial sin, because they are also bound to conform to their own status. Others, according to the common opinion, say that such a cleric has no obligation to wear the habit: thus Escob. n. 488, Navar. c. 25, n. 110, Holzm. n. 103, and Pal. l. c. with Arm. Sylvest. Soto, and Ang. And this opinion is favored by the constitution Pastoralis of Sixtus V, issued on January 34, 1558, in which it was declared that clerics are not bound to wear the clerical habit.

[*Latin ed. p. 630*]

Pension, revenues, or ecclesiastical goods reserved and granted to a cleric, whether in one instance or multiple, which do not exceed the annual value of 60 gold ducats from the treasury. This is certain for married clerics, as stated in chapter Joannes, concerning married clerics. Indeed, if they are bigamists [those married twice], not only are they not obligated [to wear the habit], but they cannot even wear it, as stated in chapter Altercationis, concerning bigamists, paragraph 6. A greater doubt exists concerning clerics holding benefices, or those in sacred orders, whether these individuals commit a grave sin if they do not wear the habit. Speaking in general terms, there is no doubt that these individuals gravely sin, as they are themselves accused of temerity in the Tridentine Council, session 14, chapter 6, with these words: "Such is the temerity and contempt for religion that has taken root today in some, that they lightly disregard their own dignity and the honor of the clergy, and even publicly wear lay clothing..." Therefore, all ecclesiastical persons..., who have been, or have obtained, dignities, offices, functions, or benefices... ecclesiastical in nature, if, after having been warned by their Bishop..., they have not worn the honest clerical habit..., they must be suspended from orders, and from office, and from benefices, and from revenues...; and furthermore, if, after being corrected once, they relapse into this fault, they must also be deprived of offices and benefices. And it should also be noted that Sixtus

V, in the bulla "Cum sacrosancta," issued on January 9, 1588 (cited by Barbos in Trid. l. c. number 4), declared that those beneficed individuals who do not wear the habit in the city, and who have not obeyed the mandates issued concerning them within a certain time, are, in addition to other penalties, by this very act, without any further warning, deprived of all dignities, administrations, offices, canonries, prebends, benefices, and stipends. However, Cajetan states in Summ. 2. Cleric. that such sins do not constitute mortal sins, unless there is contumacy or contempt; and Escob. n. 491 and Gobat. in Exp. tract. 8. n. 769 agree, stating that it is not a mortal sin unless it causes contempt. But the opposite is certainly to be held, because from the Council it is clear that the wearing of lay clothing is a diminution of the honor of the clergy; thus, Sanch. lib. 7. cap. 1. dub. 49, Renzi p. 346. q. 5, Laym. c. 12. n. 2, with Arn. Sylvest. and Vasq. Pal. p. 48. n. 3, with Vill. Salm. de ord. c. 3. p. 1. n. 7, with Bann. and Led. Barb. alleg. 9. n. 41, with Abb. and Henr. Escob. n. 491, with Reg. and Hurt. and Bon. p. ult. num. 2, with Nugno, and the common opinion, all state this. However, they limit this, and indeed very probably, if it is done for a short time: unless (they say, Salm. ibid. n. 9, with Bannez) someone were to abandon or hide the habit in order to deceive others, or in order to freely walk about the streets, or in order to commit some evil. And similarly, Diana p. 10. tract. 15. res. 29, and Burghaber Centur. 2. cas. 59, state that a cleric who went about the city disguised in a bacchanalian manner is not excused from mortal sin. Furthermore, Bolzm. n. 403 and Pal. Laym. limit this.

[*Latin ed. p. 631*]

"Concerning the Psalms, chapters 2 and 3, if there is some just reason for concealing oneself, namely, to avoid the danger of death, or serious harm."

826. — Question II: Do clerics gravely sin if they do not wear the tonsure, or the corolla (even though the corolla truly differs from the tonsure, but some Doctors are confused)? Some, as Panormitan, Soto, Sylvaticus, etc., apud Tamini, *De Ordinationibus*, chapter 2, section 6, number 46, assert that all clerics, from the chapter *Clerici*, 45, concerning their life and honor, ought to have a tonsure and corolla "congruentem" (fitting). Others, as Tamini himself, with Marchinus, Palatinus, page 18, number 3, and Renzi, page 376, question 5, with Henricus, say that, setting aside contempt, this is not a mortal sin, even for clerics holding benefices, or those established in sacred offices; because (they say) it is not proven from any text that there is a grave precept concerning this. Others, however, as Sanchius, book 7, chapter 1, number 49, Laymann, chapter 12, number 3, Escobar, number 491, and Vasquez, Leander, and Hurtado, apud Tamini, *l.c.*, say that clerics established in sacred offices, and those holding benefices, gravely sin if they do not wear the tonsure or the corolla; and this sin is confirmed by a decree from the Lateran Council, under

Pope Leo X, session 9 (apud Merbes, page 279, question 45), which reads: "Clerics established in sacred offices should not let their beards or hair grow, but should wear the tonsure; if anyone does the contrary, he shall incur excommunication." But this could be answered that this Council, by prescribing the tonsure, did not speak properly of the corolla, but rather of the shaving of the hair, innovating the canons of the Roman Councils, under Pope Zacharias, and Pope Gregory XI (apud Merbes, *ibid.*), where it was said: "If any cleric lets his hair grow, let him be anathema." Therefore, at least it is not certain that excommunication was imposed on those who do not wear the corolla; and even concerning those who let their hair grow, today, because of the custom of many residents of Rome, (provided the hair is moderate), that penalty of excommunication does not seem to be in force.

Furthermore, concerning the nature of the sin, Laymann and Escobar, *l.c.*, speak in the same way about not wearing the corolla, as they do about not wearing the habit. However, Crocius, book 4, number 1372, says that it is more likely to sin mortally by not wearing the habit, than by not wearing the corolla; for who would accuse a priest of mortal sin, if he does not wear the corolla for 6 or 8 weeks, even if no trace of it appears?

827. — Furthermore, the following points should be noted for the completion of this matter. It should be noted that a cleric who does not wear the habit, and the tonsure, if, after being warned a third time by the Bishop, he does not amend his ways, loses the privilege, not only of the forum, but also of the canon, from chapter *Contingit*, 45, of the decrees concerning excommunication. The same is said of a cleric who engages in secular business, neglecting divine offices, from chapter *Ex Litteris*, 46, concerning the life and honor of clerics. The same applies to a cleric who bears arms in a lay habit, if, after a third warning, he does not resume his clerical attire. If such a cleric, wearing military arms, also commits enormities, he is deprived of the privilege, volume 1, part 4.

[*Latin ed. p. 632*]

Concerning the canon, as stated in chapter "Si quis suadente," question 4, section 47. The question arises whether, by this very act, one loses the privilege of the forum. Some, as noted by Fagnan in "De cap. Contingit," number 14, affirm this. However, Fagnan himself, along with Alexander, John Andrea, and Peter of Angar, among others, states and proves from numerous legal precedents that the privilege of the forum is not lost unless after three warnings. This, however, is understood in relation to benefices and constitutions within the Church. For a cleric in minor orders, it is stipulated in the Council of Trent, session 23, chapter 6, that he does not enjoy the privilege of the forum unless he is wearing the clerical habit and tonsure, and is serving a Church by order of the Bishop, or is in a seminary, or in a school, with the permission of the Bishop. Furthermore, Salm, in "De ord.,"

chapter 7, page 5, number 64, along with Farinac and Philib, states that the word "vel" in this context is equivalent to "or." However, it is more probable that the opposite is true, as stated by Palaus, part 2, number 7, and Barb in "Trident.," in the cited passage, number 21, and in addition 12, number 19, along with Riccio, Armendar, and Bellet, who state that a cleric in minor orders, in order to enjoy the privilege of the forum, must simultaneously wear the habit and tonsure, and serve the Church. It is sufficient that he serve some Church, even if it is not the one to which he has been assigned by order of the Bishop, as declared by the Holy See on January 23, 1603, as cited by Benedict XIV in "De Synodo," book 12, chapter 6, number 5. This is even more so if he is not assigned to any Church, as stated in another decree issued on February 4, 1614, ibid. For these Minorites who do not wear the habit and tonsure, no prior warning is required to deprive them of the privilege of the forum, as taught by Benedict XIV, in the cited work, chapter 2, number 4, and by Fagnan in "De cap. Si quis, de foro compet." We have spoken of the privilege of the forum; otherwise, we should speak of the canon's privilege, as held by Gonzal Garcia and Comitol, as cited by him. Benedict, in the cited passage, testifies that this has been the constant opinion of the Holy See, citing several of its decisions, contrary to what is said about Lucca. In the case where a cleric, not fulfilling the conditions of Trent, commits a crime, even if he cannot claim the privilege of the forum, the Bishop can still claim him from the secular court, according to a decree of the Holy See approved by the Pope, as reported by Benedict. However, if someone who has relinquished the habit resumes it, provided it is not done in bad faith, his former privileges are restored, as taught by the same Benedict, in the cited work, chapter 2, number 4, along with the common Doctors in chapter 1, "De cleric. conjug.," number 6, and in several decrees of the Holy See. However, it is presumed to be done in bad faith if he has already been placed in prison in a criminal case, or has been released under a bond, as stated by Fagnan in "De c. Megnus, de obligat.," along with the decree of the Holy See, and by the same Benedict, in the cited work. In a civil case, if the habit is resumed after he has been summoned to the secular forum, this is also presumed to be in bad faith, as stated by Benedict, ibid., along with a decree of the Holy See issued on March 30, 1686. Clerics who are married, wearing the habit or tonsure, and serving a Church by order of the Bishop, also enjoy the same privilege of the forum if they have taken only one virgin as their wife, as stated in chapter 2, "De foro compet." See Salm.

[*Latin ed. p. 633*]

de ord. c. 7. p. 5. n. 69. But it must be noted that in the last chapter concerning the time of ordination, in section 6, it is forbidden to confer the tonsure upon married men, unless they themselves wish to profess religion, or to receive the sacred orders; but this is not permitted to them without

the consent of their wives. 828. — Note I. A priest promises obedience to the Bishop in his ordination. Hence, the question arises: to what extent are priests bound by this obligation of obedience? Our Holy Father Benedict XIV, in the Constitution *Ex quo dilectus*, issued on January 14, 1747, explains it as follows: "We acknowledge that a priest of this kind is bound by the force and law of this promise, so that he cannot withdraw from the service of the Church to which he has devoted himself without the permission of the Bishop. However, this must be understood, unless the priest, even a parish priest, wishes to enter a monastery, or a regular canonry, as is stated in canon 2. *Duæ sunt causae*. Then, (as Urban II decreed there), he can freely leave, even against the will of the Bishop. However, as the Pope Benedict states in the aforementioned bull, the Bishop may, for just reasons, recall his cleric, even after his profession, namely, if the Church were to suffer a serious loss from his absence, as Innocent IV states there (see the words in l. 5. n. 75). By 'loss,' the Pontiff understands a detriment or damage to the Church, and he cites the opinion of the Abbot of Panormitani, who says: 'But if the Church were seriously harmed, he should be recalled.' Therefore, the same Pope Benedict concludes: "And thus, sufficient provision is made even for the Bishop, who may wish to challenge the action of his cleric in entering a religious community against his will." 829. — Note II. Concerning the Masses and prayers that are imposed upon the newly ordained by the Bishop. With regard to the obligation, some (as Suarez, Lessius, and Layman, apud Croix n. 2349) believe that they are to be fulfilled under a mortal penalty. Others, however (as Soto, Valois, Diana, Paleario, Pellican, Gobinus, etc.), say that this obligation is probably one of decency, and not one under sin; at least, Croix holds that it is not under a grave penalty, unless the Bishop has declared it so. With regard to applying these Masses, it is necessary to carefully consider the words that the Bishop says, namely: "After the first Mass, say three Masses, one for the Holy Spirit, another for the Blessed Virgin, and a third for the Dead; and also pray to God for me." From these words, Father Mazzotta, in *De Sacrificio Missæ*, chapter 4, § 3, rightly infers that there is no obligation to apply the aforementioned Masses according to the intention of the Bishop, since only the newly ordained are prescribed to pray for him; therefore, they can well apply the Masses for others, even with a stipend. It is clear that such Masses should not be said before the days are free from impediments. But can a newly ordained priest receive a stipend for the Mass that he celebrates with the Bishop? La Croix, l. 6. p. 2. n. 2323, denies this, because by requesting the Mass, it appears that he is requesting a Mass with all the ceremonies and actions that are performed by the priest at the altar. But others hold a different opinion.

[*Latin ed. p. 634*]

From Benedict XIV, *De Sacrificio Missae*, book 3, chapter 46, paragraph

10, an urgent example is given concerning Greek priests who celebrate with a Bishop, and who otherwise ought to provide alms. 830. — Note III. This is what is established in the year 1741, concerning the promotion of those to be ordained, in the concordat begun between the Holy See and the Most Excellent King Charles III, whom God may preserve, where it is stated: I. From now on, no one shall be promoted to the first Tonsure, unless it be for the title of a Benefice, or a perpetual Chapel, the revenues of which, after deductions, amount to at least half of the tax established for ecclesiastical property in the diocese of the person being promoted. II. If a Bishop judges it truly useful, or necessary for the Church, to confer the first Tonsure upon a young man, although he has no Benefice, he may do so; but only in the case that he has a perpetual ecclesiastical pension, the revenue of which amounts to at least half of the tax established for ecclesiastical property in his diocese, or the entire property: which, in order to prevent any fraud or deception, shall from now on be constituted solely upon stable property, and upon annual fixed revenues, and shall be regulated according to the terms of the Synodal tax of each diocese, provided that this property is neither less than twenty-four ducats, nor more than forty. III. In addition to the requirement of a Benefice, a perpetual Chapel, or a perpetual ecclesiastical pension, in the manner explained above, or of the entire property, no one shall be admitted to the first Tonsure, who, after having completed ten years of age, has not resided for at least three years in some Seminary, or Ecclesiastical College: and if this cannot be done, he must at least have worn the clerical habit for three years with the permission of his Ordinary, and throughout the three years, or at least for the majority of the days of obligation of each of the three years, he must have served in some church, in the manner prescribed to him by his Bishop, this service being counted as equivalent to the residence he would have had in some Seminary, or Ecclesiastical College, etc. Finally, it is stated: Whoever is promoted to the first Tonsure, to the minor Orders, or to the sacred Orders contrary to the form prescribed in this regulation, in addition to the penalties mentioned above, shall be perpetually suspended from the exercise of the Order already conferred upon him. And whoever has so ordained him, or has granted him the necessary permissions for this purpose, if he is a Bishop, shall be suspended for one year from the conferral of Orders, and from the exercise of the Pontificals: and if he is not a Bishop, but an inferior Prelate with the use of the Pontificals, he shall be suspended forever from the exercise of the same; and if he does not have the use of them, as well as any other person constituted in dignity, he shall be suspended forever from the exercise of the office.

[*Latin ed. p. 635*]

And concerning his Orders (1). But whether this suspension is of late or long standing, see what is said concerning censures, book 7, number 8.

(1) That is to say: 1. No one henceforth shall be promoted to the first tonsure unless he possesses a benefice or a perpetual chaplaincy, the income of which, after deducting expenses, amounts to at least half of the sum required for patrimony in the diocese. 2. If any Bishop judges it useful and necessary for the Church, he may confer the first tonsure upon a young man, even if he has no benefice, provided that he possesses a perpetual ecclesiastical pension, the income of which amounts to at least half of the sum required for patrimony in the diocese, or to the full amount required for that purpose. 3. Besides a benefice, a perpetual chaplaincy, or a perpetual ecclesiastical pension (which are required as stated above), or a full patrimony, the first tonsure shall not be conferred upon anyone who, after the tenth year of his age, has not spent at least three years in some seminary or ecclesiastical institution, or, if this cannot be done, has not worn clerical garments for at least three years with the permission of his Ordinary, and has served in some church, as prescribed by the Bishop, for the greater part of the year, or at least on the prescribed feast days, compensating for this service with the lodging which he would have had in the seminary or ecclesiastical institution, etc. And finally, it is said: Whoever has been promoted to the first tonsure, or to the minor or major orders, contrary to the provisions of this law, besides the aforementioned penalties, shall be suspended forever from the exercise of the order received; he who instituted such an ordination, or granted the letters of dispensation, if he is a Bishop, shall be suspended from the conferral of orders and the exercise of pontifical functions for one year; if he is an inferior prelate with the right of pontifical functions, he shall be suspended forever from the exercise of these functions; if, however, he is constituted in a dignity without the use of pontifical functions, he shall be suspended forever from office and from the order.

Edit. FINIS TOMI QUARTI.

[*Latin ed. p. 636*]

INDEX OF CHAPTERS AND QUESTIONS, TO WHICH ARE APPENDED ALL SUMMARIES, whereby to each chapter and question are appended all matters and questions contained in the fourth volume, so that all things may be readily available here. The letter "1" denotes the book, "n" the marginal number, and "v" the verse.

BOOK SIX, TREATISE III. ON THE EUCHARIST.

CHAPTER I. ON THE ESSENCE OF THE EUCHARIST.

QUESTION I. What is the Eucharist? page 1

189 In what does the essence of the Eucharist consist, or be constituted?

490 See the resolutions in Busemb. concerning the specific and numerical reason of this sacrament.

491 Question 1. Whether the entire specific reason of the Eucharist is preserved in either species.

Question 2. From whence is taken the numerical unity of the Eucharist?

492 Whether the Eucharist is necessary for salvation by a necessity of means.

493 Whether the Eucharist is necessary for adults to preserve spiritual life.

QUESTION II. What is the matter of the Eucharist? page 6

494 What is the proximate matter of this sacrament?

495 Concerning the obligation of consecrating under both species.

Question 1. Whether this obligation is of divine or ecclesiastical law.

Question 2. Whether the Pope can dispense in this matter.

Question 3. Whether the consecration of one species without the other is valid.

497 Whether, at any time, by accident, one species can be consecrated without the other.

[*Latin ed. p. 637*]

DUB. III. What sort of bread should be used in the Eucharist. page 9

498. Whether only wheat bread is a suitable material.

199. The following are not suitable materials for the Eucharist: I. Bread made from rice, legumes, etc. II. Raw dough, or dough that has been fried, or leavened. III. Bread soaked in oil, milk, etc. IV. *Hostiæ rubræ* (hosts from Fratta). V. Corrupted bread.

200. What kind of bread is a doubtful material? Whether it is made from farro, spelt, or starch.

204. What kind of bread is a valid, but illicit, material? I. If a small amount of another substance is mixed in. II. If it is colored.

202. Validly, but illicitly, the Latins consecrate in leavened bread, and the Greeks in unleavened bread.

203. Doubt. 4. What if a Latin priest passes through Greece, or vice versa?

Doubt. 2. Whether a Latin priest can celebrate in leavened bread to give the Viaticum.

204. Concerning the *fracta* host, or a host that is stained.

205. Concerning the shape of the host to be consecrated. And whether it is permissible to celebrate with a smaller host.

DUB. IV. What kind of wine should be used in the Eucharist. page 43

206. What kind of wine is not a suitable material? I. Sidera (a type of wine). II. Wild grapes. III. Vinegar. IV. Grapes. V. Decocted must.

207. What kind of wine is a valid, but illicit, material? I. Must. II. Wine mixed with something else. III. If it is fermenting. IV. If it is frozen.

208. Whether it is required by a grave precept to mix water with the wine. And what kind of water, and in what quantity. And whether the mixture should be made in the chalice.

209. Whether the water mixed with the wine is immediately converted into blood.

210. What quantity of water should be mixed in the chalice? What if blood falls upon another object, such as a linen cloth or corporal?

DUB. V. What conditions are required for the material of consecration. page 20

244. For a valid consecration, it is required that I. the material be morally and physically present.

242. Therefore, hosts consecrated in a closed tabernacle, or in darkness, etc., are validly consecrated.

243. However, the consecration is invalid: I. If the material is placed behind the priest's back, or against a wall. II. If the material is removed. III. If the material is very small in quantity.

244. It is also required that II. the material be certain and determinate.

245. Whether a host can be consecrated by a priest who is unaware. And whether separated drops of wine are valid.

246. The consecration is valid: I. If the priest determines it in some way. II. If he believes the hosts to be fewer in number. III. If, after intending to consecrate them, he forgets about them.

[*Latin ed. p. 638*]

217 What if the chalice is left outside the sacred vessels by oversight? IV. If the hosts are carried away after the offering.

218 What is required for a valid consecration?

219 In what cases does the celebrant sin when consecrating?

Doubt VI. What is the form of consecration of the Eucharist? page 25

220 Which words are essential in the consecration of the bread? And which in the consecration of the wine? And are the words to be pronounced simultaneously, both literally and figuratively?

221 What form is illicit? What is invalid? And what is doubtful?

Q. I. Are the words "Who, on the day before..." required in the consecration of the bread?

Q. II. Are all the words essential in the consecration of the chalice?

Q. III. What does all of this signify, here and now?

Q. IV. Is the Eucharist perfected if the word "est" is omitted?

224 See more about the variation of words. What if the priest is distracted

during the consecration?

Doubt VII. How long does Christ remain in the Eucharist? page 30

225 Below, how long do the species remain?

226 When is the grace received?

227 What if the priest prepares himself during the reception?

228 Is more grace received if both species are received, or if a larger quantity of the material is received?

229 What if the consecrated wine is mixed with another wine, or is contaminated with some other liquid?

CHAPTER II. ON THE CAUSES AND SUBJECT OF THE EUCHARIST.

Doubt I. Concerning the causes. page 32

ARTICLE I. To whom does the dispensation of the Eucharist pertain? page 32

230 Is it permissible only for priests to minister the Eucharist?

234 Do only priests validly consecrate?

232 What should be noted about priests who consecrate together, or with a Bishop?

233 Is a parish priest obligated to minister the Eucharist during a plague?

234 Does an inferior minister incur irregularity when ministering?

235 Is the consent of the pastor sufficient?

236 What if it is necessary to administer Viaticum?

Q. I. When is it permissible for deacons to minister?

Q. II. Is it permissible?

[*Latin ed. p. 639*]

Here follows the translation of the provided Latin text:

Clerics, or even the laity in necessity, may take the Eucharist for themselves. Q. III. Is it permissible for a layperson in necessity to administer the Viaticum to another? 238. Can a priest, outside of the hour of death, communicate himself? 239. Can others, besides pastors, administer the Eucharist at the hour of death, and during Easter? 240. In what cases is it permissible for religious to administer [the Eucharist] at that time? ARTICLE II. What is required in the minister for the lawful administration of the Eucharist. page 40 244. Is the Eucharist to be carried to the sick with a stole, cope, and candle? What about Extreme Unction? 242. Is it permissible to run in necessity? 243. Is it permissible to carry the Eucharist on a horse? And is it only for adoration? 244. Is it permissible to dispense, or celebrate, with the posterior fingers? And with an intermediary instrument during a plague? 245. When does the distributor sin due to a defect of the rites of the Church? 246. To whom is it not permissible to offer the Holy Communion? 247. But is

the Holy Communion to be offered to those condemned by a civil sentence? And to the half-crazed, and the possessed? 248. How should the pastor preserve the Eucharist? And is the Eucharist to be preserved and carried always with a candle? 249. Is the Holy Communion to be administered at a Requiem Mass? 250. What is to be done if the Host falls to the ground? 251. What is to be done with the fragments of Hosts? 252. What hours, and what days, may the Holy Communion be given? 253. How often is the parish priest bound to administer the Holy Communion? 254. What is to be noted concerning daily Holy Communion? DOUBT II. CONCERNING THE SUBJECT OR RECIPIENT OF THE EUCHARIST. ARTICLE I. What is required in the disposition of the soul. page 54 255. Concerning the precept of preceding Confession to Holy Communion. 256. Q. I. Is this precept divine, or ecclesiastical? 257. Q. II. If, after Confession, one remembers a mortal sin, then...

[*Latin ed. p. 640*]

Let it be ensured that this is confessed before Communion. Q. III. Is one bound to confess? 258 What, if the priest doubts a sin has been committed? (Reference to n. 473, concerning the Sacrament of Penance). 259 Neither fame, devotion, nor poverty excuses from confession. 260 On the other hand, one is excused by: 1. Danger of death, and the necessity of administering the Viaticum. 2. Scandal, or a notorious infamy. What, if the Viaticum is to be brought to a sick person who cannot readily fulfill confession? 261 What, if the people, or the priest himself, ought to abstain from Mass, or from receiving Communion at Easter? 262 What, if the priest, while celebrating, commits a grave sin, or remembers a past sin, is he bound to confess, if he can? And is he bound to abandon the Mass if he cannot confess? 263 What, if a layperson remembers a mortal sin while in the sanctuary of those receiving Communion? 264 When is it considered that there is a lack of a confessor? And what distance from a confessor excuses one? What, if only a simple priest, or an excommunicated confessor, is present? 265 Q. I. What, if the priest has a reserved sin, and there is no confessor available? Q. II. Is he then bound to confess mortal sins, whether reserved or not? Q. III. What, if he has a reserved excommunication? 266 Q. IV. How is the precept of confessing one's sins to be understood? Q. V. Is the priest celebrating Mass bound by this precept, even if he has committed sacrilege? Q. VI. Is the priest celebrating, who has confessed and forgotten his sin, bound by this precept? 267 Q. VII. Is a priest who has not confessed, but remembers a sin after the consecration, bound by this precept? 268 Q. VIII. Does the precept of confessing one's sins primarily obligate also the laity? 269 The Effects of the Eucharist. 270 Q. I. Is it a new venial sin to approach the Eucharist with habitual venial sin? Q. II. Does the one who receives Communion with actual venial sin commit a venial sin, and lose the fruit (of Communion)? ARTICLE II. What disposition of the body is

required. p. 65 271 Do pollution, and acts of conjugal intimacy prevent one from receiving Communion? 272 Q. I. What, if the pollution is voluntary? And what, if it is involuntary?

[*Latin ed. p. 641*]

273. Question II. Whether it is always permissible to approach the Eucharist after conjugal intercourse.

274. Question III. Whether a spouse fulfilling their marital duty is obligated to abstain from Communion the following day.

275. Does an external blemish, such as leprosy, etc., prevent one from receiving Communion, and from assisting at the Holy Sacrifice of the Mass? What of a woman during menstruation? What of the use of weapons?

276. Whether the priest administering Communion should wear the surplice.

277. Concerning natural fasting required for Communion.

278. Note 4: This is not a divine precept. Note 2: It does not involve a small matter. Note 3: Three things are required to fulfill this fast, according to three rules, which will be seen below.

279. Rule 1: That the substance be taken from outside. Doubt 4: Does a voluntary swallowing of leftover food break the fast? Doubt 2: Does a drop of water mixed with saliva, or a small taste of something? Does sugar placed in the mouth before midnight? Does water drunk from a stream? Does blood drawn from a finger? What if something is vomited up from the head?

280. Rule II: That the substance be taken in the manner of eating or drinking. Doubt 4: Does swallowing tobacco powder through the nose break the fast? Doubt 2: Does inhaling tobacco smoke? Doubt 3: Does chewing tobacco leaves, or aromatic substances?

281. Rule III: That the substance be taken which has the nature of food or drink. Hence, it is asked whether eating hair, wool, wood, paper, pebbles, clay, and similar things breaks the fast.

282. Is it permissible to follow the last hour before Communion strictly? And indeed, if someone swallows food after the first hour has passed? Is it permissible to receive Communion if there is doubt about whether the fast has been broken?

283. Is it a sin to eat food, or to vomit immediately after Communion?

284. In what cases may one receive Communion without having fasted?

285. Is it permissible to administer the Eucharist again to a sick person who has not fasted? Doubt 1: How long should one interval be between two Communions? Doubt 2: Is one obligated, if one has received Communion a few days prior out of devotion, to receive the Eucharist again if death is imminent? Doubt 3: If one has received Communion in the morning?

Doubt 4: Can the priest ever omit the words: "Receive the Body of Christ, etc."?

286. Can the priest celebrate Mass without having fasted, in order to give the Eucharist to another? And, in order to give it to himself?

287. Is it permissible to receive Communion after eating, lest the Eucharist perish, or be treated improperly? In order to avoid scandal? In order to perfect the Sacrifice or Communion? In order to avoid death? Is it permissible to receive Communion before sleep, or before digestion?

[*Latin ed. p. 642*]

ARTICLE III. Concerning the obligation of receiving the Eucharist, and its extent. page 89.

290 Whether Communion is necessary for adults by a necessity of means.

291 Whether and when anyone in danger of death is obliged to receive Communion.

292 What should be done in the case of vomiting, or in a state of delirium.

293 Whether the Eucharist should be given to children.

294 Concerning the obligation to communicate.

295 When does the divine precept, and when does the ecclesiastical precept, obligate?

296 Doubt I. How is the year of obligation to be calculated?

297 Doubt II. Is someone who did not receive Communion at Easter obliged to receive it as soon as possible? What if someone, anticipating an impediment, received Communion in advance to fulfill the Easter precept?

298 Doubt III. Is someone who is unable to receive Communion at Easter obliged to take precautions?

299 Doubt IV. Are the faithful obliged to remove any impediment in order to fulfill the Paschal Communion?

300 Concerning the obligation to communicate within the parish. Are priests, pilgrims, and religious servants exempt? Are others exempt with the consent of the pastor?

304 Concerning the obligation of children to communicate at Easter.

Question I. Are children obliged, or are they able, to receive Communion immediately after the use of reason?

Doubt 1. What age is considered the age at which they are obligated to receive Communion?

Doubt 2. Should Communion be given to infants at the point of death?

302 Question II. Can Communion be administered to the mentally ill?

303 Question III. Can Communion be administered to the half-witted, the mute, the deaf, and the possessed?

CHAPTER III. OF THE EUCHARIST AS A SACRIFICE.

Doubt I. What is the Mass, and what is the obligation of priests concerning it? page 101.

304 Definition of the sacrifice of the Mass.

Note 1. How is a sacrifice defined in general?

Note II. How are sacrifices distinguished? And how does the sacrifice of the Eucharist contain all of these? And in what does it differ from the sacrifice of the Cross?

Note III. Is the Mass a true sacrifice?

[*Latin ed. p. 643*]

305 In what does the essence of the Mass consist?

306 Is the consecration of both species required for the essence of the sacrifice?

307 Who are the offerers in the sacrifice of the Mass?

308 For whom may the Mass be offered?

309 Doubt 1. For excommunicated persons? Doubt 2. For unbelievers?

310 For the deceased?

314 The effects of the sacrifice of the Mass are four: I. Remission of sins. II. Remission of penalties. III. Increase of grace. IV. Obtaining of benefits.

312 Concerning the value and fruit of the Mass. Does the Mass have infinite value? And does the fruit of the Mass depend on the piety of the celebrant?

313 Concerning the obligation of celebrating Mass, which priests have. Doubt 1. Are they ever bound by a grave precept to celebrate? Doubt 2. How many times in the year are simple priests bound to celebrate? How many times are parish priests? How many times are bishops?

314 Concerning the Mass that is to be celebrated daily in common.

315 Concerning the obligation of saying Masses for the salary received.

316 Certain things to be noted concerning the origin of the salary.

317 Question I. Is it permissible for a wealthy priest to accept a salary for Masses? And does he sin gravely who primarily celebrates for a salary? Question II. How does a priest sin by delaying the celebration? And what delay is considered moderate? What if Masses are entrusted to the community? Question III. Does a priest sin gravely by omitting the sacred promise for a small salary? Question IV. What if the Mass is promised gratuitously?

348 Is it permissible to accept a salary for the application of special fruits? And is it permissible to accept multiple salaries for one Mass?

349 From whom, and how should the salary be assessed?

320 Doubt 1. Are religious bound to observe the tax set by the Bishop? Doubt 2. Can the Bishop prohibit the acceptance of a salary greater than

the tax? Doubt 3. Can the Bishop prohibit the acceptance of a salary less than the tax? And if someone has accepted, can he reduce the number of Masses? Doubt 4. Is it permissible to bargain about the salary? Doubt 5. How should the salary for Masses be assessed, which a testator has left?

324 It is not permissible to celebrate through another, retaining part of the salary. Exception I. If the salary is given with a view to the person. Exception II. If another priest truly and freely donates part. Exception III. A beneficiary, chaplain, and priest obligated by a legacy left to him during his lifetime.

322 Doubt 1. Is he who retains part of the salary bound to restitution? And to whom is it to be restored? Doubt 2. What about a procurator?

[*Latin ed. p. 644*]

Whether he can retain a portion for his labor. Question 3. Whether one collecting alms may retain a portion for his labor. Question 4. Whether Masses of greater stipend may be exchanged with Masses of lesser stipend. Question 5. Whether administrators of churches may retain anything for expenses. 323 Concerning the obligation of beneficed priests and parish priests to apply Masses. 324 Question 1. To whom should beneficed priests and chaplains of nuns, or confraternities, apply Masses? What if the principal of the benefice, or of the chaplaincy, is unproductive? Question II. On which days are parish priests obliged to celebrate for the people? 325 See the decree of Pope Benedict XIV concerning the Masses of parish priests. 326 Concerning conventual Masses. 327 Concerning the obligation to celebrate votive Masses promised under a stipend. 328 Concerning the obligation to celebrate at the place and time designated by the founder. 329 What if the Bishop grants a dispensation? And whether a prescription can be given exempting from the obligation of Masses. 330 Concerning the obligation of a beneficed priest to celebrate prescribed Masses and to celebrate them personally. 334 Concerning the reduction of Masses. Whether a Bishop may make such a reduction. And whether he may regulate offices and alms annexed to anniversaries. 332 Whether a beneficed priest may ever celebrate for his relatives, or friends, or omit a Mass out of reverence. 333 Whether a chaplain who is ill is obliged to have the Masses fulfilled by another. Concerning the 30 Gregorian Masses. Whether it is permissible to receive a stipend for the first Mass which a newly ordained priest celebrates with the Bishop. (Reference to number 829, verse: "But...") QUESTION II. To whom does the application of the sacrifice belong? page 138 334 From whom should the fruit of the Mass be applied? Does a religious person validly apply a Mass against the will of the superior? 335 The application must be made before the celebration. Question I. Is a habitual application sufficient? Question II. If someone has received stipends from various sources, is it sufficient to apply the Masses for them in a general way? 336 What if the application is made to a minor, or to someone in-

capable? 337 Whether a conditional application is valid. And whether an application made for the first offerer is illicit and invalid. 338 On All Souls' Day, may a Mass be applied for the souls in Purgatory with that stipend? 339 Concerning a privileged altar. Question 1. Is a Mass for the Dead required to gain such indulgences? Question 2. How should the clause be understood: "Provided that seven Masses are said daily in the church?"

[*Latin ed. p. 645*]

Mass. Q. 3. How is the clause to be understood: "Unless there is another altar in the church which is privileged"? DOUBT III. When, and how often, is it permissible to celebrate? p. 144 340 Can the Mass be said before dawn, or after midday? 341 At what time does dawn begin? Is the time of dawn to be understood morally, as is the time of midday? 342 What about the privileges of religious orders? 343 In what cases is it permissible to celebrate before dawn, or after midday? Can all three Masses be said before dawn on the night of the Nativity? 344 Is it permissible to anticipate the Mass, or to postpone it, because of a feast day, or for the sake of travel, or by dispensation of the Bishop? 345 Does one commit a grave sin by celebrating before dawn, or after midday? 346 What is the nature of the fault in this matter? 347 What sin is it to celebrate before Matins? 348 What if it were a conventual Mass, and a solemn Mass? 349 Is it permissible to celebrate (and to administer Communion) on any day of the year? 350 Is it permissible to celebrate privately on the day of the Lord's Supper, and on the holy Sabbath? 351 When, and how often, is it permissible to celebrate more than once in a day? 352 Is it ever permissible to interrupt the Mass, or to begin it anew? 353 What if a prince, or a crowd of pilgrims, arrives, or if the priest remembers some impediment? 354 What if there is an urgent necessity, either one's own or that of another? 355 How is a Mass that has been interrupted to be completed by another priest? DOUBT IV. In what place is it to be celebrated? p. 454 356 In what circumstances, and under what conditions, is it permissible to celebrate outside the church? And is it permissible to celebrate at sea? 357 In what circumstances, and when, is it permissible to celebrate in chapels, by dispensation of the Bishop? It is permissible I. in chapels that have been blessed. II. in chapels of religious communities. III. in chapels erected in the palaces of Bishops. 358 Can Bishops celebrate in private houses? 359 Can they grant a dispensation, so that it may sometimes be celebrated there? Note I. The privilege does not perish with the death of the Pope, or of a Bishop. Note II. What if the holder of the privilege changes his residence? Note III. On which days is it not permissible to celebrate in private chapels? And can religious, or Bishops, celebrate in private houses, apart from the Mass granted by indulgence?

[*Latin ed. p. 646*]

360 Whether religious [persons] can, by privilege, celebrate in any

portable altar.

361 Whether those who celebrate in a desecrated church always commit mortal sin, and whether they incur any penalty.

362 Whether oratories that are not blessed are defiled. And whether this applies to sacristies, crypts, etc.

363 From whom the Church must be reconciled.

364 How the crime by which a church or cemetery is defiled must be notorious. When is a church defiled by murder? Is a church desecrated if a wound is inflicted within it, and death (or the shedding of blood) follows outside?

365 When is a church defiled by the shedding of blood, or of semen?

366 When is a church defiled by the burial of an excommunicated person, an unbeliever, or a heretic?

367 When is a church defiled by the destruction of the church building?

368 How is the consecration of a sacred thing, namely, the church, the altar, the chalice, and the vestments, annulled? See concerning the annulling of the church.

369 Concerning the annulling of the altar, and:

1. If a stone is removed.

2. If it is broken.

3. If the tomb is plundered.

Doubt: 1. Are the relics of the Saints necessary for the consecration of the altar?

Doubt: 3. What if the seal is broken, or the tomb is removed?

370 Concerning the annulling of the chalice.

Doubt: I. Is the chalice annulled if the plating is destroyed?

Doubt: 2. Does a chalice that has been replated require a new consecration?

Doubt: 3. Is it permissible to celebrate in a chalice that has never been plated?

371 Concerning the annulling of the vestments.

DOUBT: V. What are required for the Mass? page 476

372 The following are prescribed in the rubric.

373 I. A consecrated altar is required.

374 II. A triple cope.

Doubt: 1. Are two copes, or one doubled, sufficient?

Doubt: 2. Must the copes be blessed?

Doubt: 3. Must both the cope and the corporal be made of linen?

376 III. Sacred and clean vestments.

Doubt: 1. Is it a mortal sin to celebrate without a stole, maniple, or cinc-

ture?

Doubt: 2. Is it permissible to celebrate without any sacred vestment for fear of death?

378 Doubt: 3. Can regular prelates bless sacred vestments? (See also n. 384.)

Doubt: 4. Can bishops delegate the permission to bless vestments to others?

Doubt: 5. Is the color of the vestments prescribed by law?

[*Latin ed. p. 647*]

379 IV. The consecrated chalice and paten.

380 Whether chalices, vestments, etc., remain consecrated, or blessed, if the Sacraments are celebrated in them.

381 Whether abbots can bless chalices, vestments, etc., even for churches belonging to others.

382 Who is permitted to touch sacred vessels, corporals, and vestments.

383 Concerning the pyx, and the material of the same, or of the chalice.

384 Doubt 1. Whether the pyx ought to be consecrated.

385 Doubt 2. Whether it ought to be blessed.

386 V. The blessed corporal.

387 Who is permitted to wash the corporals. And whether the water used for ablution should be entirely poured into the sacrarium.

388 VI. The pall. Whether it is mortal sin to celebrate without a pall, or if it is not blessed, and whether it is permissible to use two palls.

389 VII. The purificator. Whether this ought to be blessed.

390 VIII. The Missal. Whether it is permissible, in necessity, to celebrate without a Missal, or with a Missal with different rites.

394 IX. A male minister. Doubt 1. What sin is it to celebrate without a minister?

392 Doubt 2. Does a priest sin gravely by celebrating with a woman ministering or responding?

393 X. The crucifix. Doubt 1. Whether it is mortal sin to celebrate without a cross, or a crucifix.

394 Doubt 2. Whether, if a large image of a crucifix remains on the altar, another cross is required. And whether the cross, and other images of the Saints, ought to be blessed.

394 XI. Candles made of wax. Doubt 1. Whether it is permissible to celebrate with candles made of tallow, or oil.

395 Doubt 2. Whether with one wax candle. And whether with four candles.

396 XII. The antependium, the lavabo, the burse, the veil, and the

manutergium.

397 XIII. The uncovering of the head.

398 Doubt 1. Whether it is mortal sin to celebrate with the head covered. What if there is a reason for celebrating in this manner?

399 Doubt 2. Whether it is permissible to celebrate with a false wig.

400 Whether the rubrics of the Missal are directives, or precepts.

401 Whether all decrees of the Sacred Congregation strictly obligate.

402 Whether it is permissible to celebrate barefoot, or with a walking stick, etc.

403 Concerning the omission of parts of the Mass. And whether the omitted parts should be repeated.

404 Concerning the omission of ordinary parts.

405 Which omission is mortal, and particularly in the Canon.

406 Which, however, is only venial.

[*Latin ed. p. 648*]

407 What constitutes a mortal sin.

408 Concerning the purification of the chalice to be performed.

409 Concerning extraordinary omissions; and particularly concerning the washing of hands.

410 Doubt 1. Do religious sin when, in the canon, they mention the name of the General in place of the Bishop? And who is the Bishop to be mentioned?

Doubt 2. Does one sin by omitting prayers before or after Mass?

Doubt 3. Does one sin by omitting prayers said while vesting?

Doubt 4. Does a priest sin by not reciting aloud in a solemn Mass, which is sung by the choir?

Doubt 5. How does one sin when celebrating Mass while distracted?

411 How does a priest sin by adding something to the Mass?

442 Is it permissible to say Mass before Matins and Lauds? (Reference to n. 347.)

443 Concerning those things which are to be said aloud, or in a low voice.

444 Doubt 1. Does one sin by celebrating Mass so softly that one does not even hear oneself?

445 Doubt 2. Does one sin by reciting aloud those things which are to be said in a low voice?

446 Is it a mortal sin to say aloud those things which are to be recited in a low voice?

447 When and under what circumstances is it permissible to change the Mass?

448 On which days are votive Masses prohibited?

449 On which days are they permitted? And may they then be said freely at will?

450 Question 1. Is it a mortal sin to say a votive Mass on days of fasting?

451 Question 11. For what reasons may votive Masses be said on those days?

1. Due to public necessity.

2. If a feast day is celebrated twice in that church.

3. If the Blessed Sacrament is exposed.

4. If a corpse is present, or an anniversary Mass is to be said.

452 Question III. Does one who is obligated to say a votive Mass fulfill his obligation if he says the Mass proper to the day?

453 Question 14. What should be noted concerning the manner of saying votive Masses? And:

1. Concerning the number of prayers.

2. Concerning Masses having a particular Introit, etc.

3. Concerning Masses of the Blessed that have been granted to a particular order, or place.

4. Concerning the Mass of the Most Holy Trinity, of the Angels, of the Holy Spirit, of the Blessed Virgin Mary, and the Requiem.

452 Certain more notable decrees concerning the celebration of Masses are mentioned. It is inquired here in passing, for what reason is it permissible to expose the Blessed Sacrament? See reference. Then it is inquired, in which churches may the Blessed Sacrament be reserved?

[*Latin ed. p. 649*]

TREATISE IV. ON THE SACRAMENT OF PENANCE. CHAPTER I. ON THE ESSENCE OF THIS SACRAMENT. QUESTION I. What is its matter and form? page 223 425 Concerning the matter and form of this sacrament. 426 An admonition to confessors. 427 Concerning the remote matter. QUESTION 1. Whether sins committed in mortal form during the reception of baptism are the matter of this sacrament. QUESTION 2. Whether sins already confessed are sufficient matter for this sacrament. 428 Concerning the form. QUESTION I. Whether the form of this sacrament consists in words, and whether it can be pronounced in the absence of the penitent. 429 And what moral presence of the penitent is required. QUESTION II. What form is to be used in this sacrament. QUESTION 1. In which words does the essence of the form consist? And whether the word "te" is necessary. QUESTION 2. Whether the words, "from your sins," are necessary. QUESTION 3. Whether the words, "in the name of the Father, etc.," are necessary, and whether the attached prayers are necessary. QUESTION 4. Whether, by the words "I absolve you," one can also absolve others simultaneously

from sins and from censures. 434 QUESTION III. Whether absolution can be validly and licitly given conditionally. 432 Just causes for granting absolution conditionally. QUESTION II. What contrition is required? page 233 433 See what is said in Busembach concerning sorrow and purpose. § I. Concerning questions pertaining to sorrow. Ibid. 434 What is penance as a virtue, and what is the sacrament? 435 QUESTION I. Whether contrition consists in sorrow or in detestation. 436 QUESTION II. From what motive should contrition be elicited. 437 QUESTION III. When does the precept of contrition obligate? QUESTION 4. Whether it obligates outside of the danger of death. And whether its delay is a special sin. QUESTION 2. Whether one who, in articulo mortis, confesses with attrition, is thereafter bound to elicit contrition. QUESTION 3. Whether the precept of contrition obligates on holy days. 438 QUESTION IV. Whether individual acts of contrition for individual sins are required for justification.

[*Latin ed. p. 650*]

439. Question: Are the acts of faith and hope explicitly required in Confession?

440. Question IV: Is attrition sufficient in the Sacrament, even if love does not predominate?

441. Does any contrition necessarily require confession of sins outside the Sacrament?

442. And can sin exist with predominant charity, if it has been forgiven?

Objections are answered, and it is demonstrated that an initial love is included in attrition.

443. Question VII: Is attrition based solely on the fear of temporal punishments sufficient?

444. Question VIII: Can the Sacrament of Penance ever be valid and imperfect?

445. Question IX: Must sorrow precede Confession?

446. Question X: For how long must the act of sorrow morally persevere?

447. Question XI: Must the penitent elicit the act of sorrow with the intention of confessing?

448. Question XII: If someone confesses a sin and then immediately forgets it after absolution, are they obligated to elicit sorrow again?

449. Question XIII: How should sorrow be elicited in the Confession of venial sins?

Doubt 1: Is it a mortal sin to confess venial sins without any sorrow?

Doubt 2: Is it sufficient in the Confession of venial sins to be sorrowful about one sin and not another? Is it sufficient to be sorrowful about the frequency of venial sins?

§ II. Concerning questions pertaining to the subject matter. page 261

450. Question I: Is a virtual or implicit purpose sufficient?

454. Question II: What are the conditions required for a true purpose? They are: I. That it be firm. What if the penitent believes that they will certainly relapse? II. That it be universal. Is a universal purpose required for mortal sins? III. That it be efficacious.

452. Question III: How should the confessor act towards those who are in a situation of temptation?

Doubt 1: What constitutes a great occasion, and what constitutes a great danger of sin? And which occasions should be avoided?

453. Doubt 2: Can someone be absolved who does not want to remove a probable occasion of sin?

454. Doubt 3: Can someone who is in a proximate, voluntary occasion of sin be absolved once or again?

455. Doubt 4: Can those who are in a proximate, necessary occasion of sin be absolved, especially for the sake of their art or profession?

The decision regarding absolution should be deferred in these cases.

[*Latin ed. p. 651*]

457. Question: Can one be absolved who, in a necessary circumstance, has relapsed in the same manner, even after having employed remedies?

458. Note: The doctrine of Saint Charles Borromeo is explained.

459. Question IV: How ought a confessor to act with those who, due to their intrinsic frailty, are given to habitual sin? And how with those who have relapsed? Can a relapsed person be absolved multiple times without extraordinary signs?

460. Question: What are extraordinary signs?

461. Question: What certainty of the penitent's disposition is sufficient to absolve him?

462. Question: Is it permissible to postpone the absolution of a penitent who is properly disposed, without his consent?

463. Question: Is it advisable, or not, to frequently postpone absolution?

464. Question: Why is absolution rather to be postponed for those who are in an extrinsic circumstance, and not for those who relapse due to intrinsic frailty?

DOUBT III. WHAT KIND OF CONFESSION IS REQUIRED?

ARTICLE I. Whether it ought to be complete in substance. page 286

465. Question: What is meant by completeness in substance?

466. Question: To what extent does the number of sins extend, by saying more or less? And how is the number to be ascertained in a habitual sinner?

467. Question: Is it necessary to explicitly explain aggravating circum-

stances?

468. Question I: How many opinions are there on this matter? Is the quantity to be explained in the case of theft?

469. Doubt 1: Does incest with blood relatives differ in kind from incest with affine relatives?

470. Doubt 2: In the sin of incest with blood relatives, are the degrees of consanguinity to be explained?

471. Further points to be noted regarding the examination of conscience, and the integrity of confession.

472. Question: Are mortal sins that are doubtful necessarily to be confessed?

473. Doubt 1: Are we bound to confess mortal sins that are positively doubtful?

474. Doubt 2: Are mortal sins that are negatively doubtful?

475. Question: What if someone wishes to receive the Eucharist?

476. Question: What if someone is scrupulous, or has a fearful conscience?

477. Doubt 3: Is anyone bound to confess a mortal sin if he is in doubt whether he has confessed it?

478. Doubt 4: If someone has confessed a mortal sin as if it were doubtful, is he bound?

[*Latin ed. p. 652*]

To repeat, when he knows for certain. What if a penitent, after confession, knows that the matter of his sin was grave, but he himself did not know this at the time he committed the sin?

ARTICLE II. When is a confession considered complete in its formal aspect? page 302 479 What constitutes completeness in the formal aspect? And who is considered physically incapable of achieving completeness in the material aspect?

I. The Mute. Is he obligated to confess in writing, or through signs?

II. The Deaf.

III. One ignorant of the language. Is he obligated to confess through an interpreter?

IV. The Dying.

480 Is a dying person to be absolved who gives signs of pain to the present priest, but is unable to explain any sin?

481 Is an infirm person deprived of the use of his senses to be absolved, who, through the testimony of those present, shows a desire for absolution? Should absolution then be given absolutely, or conditionally?

482 What if he has given no sign of repentance?

483 What if he is deprived of the ability to confess the act of sin itself?

484 When is formal completeness sufficient due to the danger of death?

485 In the danger of contagion, can the confessor absolve, having heard of only one sin?

486 In times of conflict, or shipwreck.

487 Who is considered morally incapable? And what if the sin cannot be explained without violating the seal of confession?

488 Therefore, who may be excused from material completeness?

489 Is there an obligation to confess a sin if it cannot be said without defaming an accomplice?

490 On what grounds is it permissible to reveal an accomplice to the confessor who knows him?

491 The Bull of Benedict XIV, prohibiting the inquiry into and revelation of the name of an accomplice of a sin by the penitent.

492 The author's opinion, that it is never permissible in any case.

ARTICLE III. What are the remaining conditions of confession? page 313

493 Confession must be verbal. When is it permissible, or obligatory, to confess in writing?

494 It must be secret.

495 It must be true.

496 When is a lie in confession venial?

497 When is it mortal?

[*Latin ed. p. 653*]

ARTICLE IV. When Confession is Invalid, and How it Should be Repeated. page 348, 498. Whether a confession made to a confessor who is excommunicated is valid. 499. Whether it is valid when made to a deaf person, an uneducated person. Whether it is valid when the confessor does not hear a certain sin confessed. 500. Concerning the judgment of sins made by the confessor. 504. When confession is invalid on the part of the penitent. 502. How a confession made to the same confessor should be repeated. 503. What if a sin has been culpably omitted? Whether, due to great urgency, confession may be shortened. 504. What about those from the countryside who have never explained the species, nor the number [of sins]? 505. There is no obligation to repeat confessions, unless it is certain that they are invalid.

DOUBT IV. CONCERNING SATISFACTION.

ARTICLE I. Its Necessity and Extent. page 324, 506. How satisfaction is necessary. And whether the omission of satisfaction in venial sins is itself venial. 507. In which cases may a light penance be imposed? And

whether it may be lessened because of the saying: "Whatever good you do, etc." 508. When may a lesser penance be lawfully imposed? How much should it be, according to the Council of Trent? 509. Whether a prudent fear is a just reason for lessening the penance, so that the penitent may fulfill it. 510. Authorities concerning this point. 514. Whether it may be commanded as penance to enter a religious order, or to take the marriage vow. 512. Whether, and when, a public penance may or should be imposed. 513. Doubt 1. Whether an act already owed may be commanded. Doubt 2. Whether a penance recently imposed is valid. 514. Whether an internal act may be imposed. Whether an act for the dead may be imposed. Whether a cessation from some good work may be imposed. Whether penance may be imposed after absolution. 515. Under what obligation is the penitent bound to accept and fulfill the penance? 516. Doubt 1. Is the penitent bound under a grave obligation to accept and fulfill a just penance? What if it is more severe than just?

[*Latin ed. p. 654*]

To repeat, when he knows for certain. What if a penitent, after confession, knows that the matter of his sin was grave, but he himself did not know this at the time he committed the sin?

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484 When is a formal confession sufficient due to the danger of death?

485 Is it permissible for a confessor to absolve, having heard of only one sin, in the case of contagious danger?

486 In the case of a storm or shipwreck?

487 Who is considered morally incapable? And what if the sin cannot be explained without violating the seal of confession?

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ARTICLE III. What are the remaining conditions of confession? page 345

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495 It must be true.

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497 When is it mortal?

[*Latin ed. p. 655*]

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obligation already due be enjoined? Doubt 2. Can a penance already imposed be lessened? 514. Can an internal work be imposed? Can a work for the dead be imposed? Can a cessation from some good work be imposed? Can penance be imposed after absolution? 515. Under what obligation is the penitent bound to accept and fulfill the penance? 516. Doubt 1. Is the penitent bound under a grave obligation to accept and fulfill a just penance? What if it is more severe than is just?

[*Latin ed. p. 656*]

547. Question: What if a penance is assigned for either venial or mortal sins confessed?

548. Question: Can a confessor assign a severe penance under a light obligation for grave sins?

549. Question: During the time of a Jubilee, or a plenary indulgence, can a confessor omit assigning a penance?

550. Question: If a penitent forgets the assigned penance, is he obligated to repeat the confession in order to receive it again?

551. Regarding the fulfillment of a penance for a mortal sin: What constitutes a mortal delay in fulfilling the assigned penance?

552. Question: Can a person who is in a state of mortal sin satisfy a previously assigned penance?

553. Question: Does the person who is satisfying a penance while in a state of mortal sin commit a sin?

554. Can a penance be assigned under the condition that, if the penitent relapses, the penance must be fulfilled?

555. Does the obligation to fulfill a penance cease once the prescribed time has elapsed?

556. Can a penance be fulfilled by another person?

557. Must a penance be fulfilled before receiving Holy Communion?

558. Who can change a penance, and how?

559. Questions: Is the penitent obligated to repeat the confession in such a case? What if the penance was assigned for reserved sins? Can the confessor change the penance outside of confession?

560. The principal penitential canons are noted.

ARTICLE II. ON SATISFACTION THROUGH INDULGENCES.

§ I. What is an indulgence, and what is required for it? page 349

561. What is an indulgence?

562. What is required to gain an indulgence?

563. What conditions are required?

564. See the resolutions: and specifically, number 9. Are all works to be

performed in a state of grace? And number 10. Is a state of grace required to gain an indulgence for the deceased? And number 19. Does an unconfessed venial sin prevent gaining an indulgence with respect to other sins that have been forgiven?

§ II. How many kinds of indulgences are there, and how do they differ from a Jubilee? page 354

565. See what is found in Busemb.

566. The decrees of Benedict XIV regarding the Jubilee are noted.

[*Latin ed. p. 657*]

537 Q. I. Whether all works must be completed within one week in order to gain an indulgence. Q. II. Whether the reservation of censures and penalties is removed by a valid confession received during an indulgence. Q. III. Whether it is a grave sin for one who has been absolved from reservations, to subsequently fail to perform other prescribed works. Q. IV. Whether one who has confessed during an indulgence, and has forgotten a reserved sin, can subsequently be absolved by anyone. And whether a commutation of vows is possible. Q. V. Whether one who, with a sincere intention, receives an indulgence, remains absolved from reservations, even if he subsequently does not fulfill the prescribed works. Q. VI. Whether one who committed a reserved sin with the expectation of an indulgence can be absolved. Q. VII. Whether absolution can be granted before the satisfaction of the prescribed penance, or the oath thereof. Q. VIII. From which cases and censures can one be absolved during an indulgence? Doubt 1. Whether publicly excommunicated individuals can be absolved. Doubt 2. Whether a dispensation can be granted in cases of irregularity.

538 Q. IX. Concerning those who come on behalf of the sick, captives, and travelers. Q. X. Whether mental prayer, or a brief vocal prayer, is sufficient to gain an indulgence. Q. XI. Whether a small act of charity is sufficient. Q. XII. Whether fulfilling other prescribed fasts satisfies the obligation for fasts prescribed during the indulgence.

CHAPTER II. CONCERNING THE MINISTER OF THE SACRAMENT OF PENANCE. DOUBT I. Who is the minister? page 367

539 Confessors require approval and jurisdiction.

540 Whether, in a case of necessity, a layperson or a cleric is obligated to confess. Whether, truly, a cleric or a layperson, at the point of death, in the absence of a priest, can absolve from censures.

544 However, no priest can validly absolve unless he is approved, or is a parish priest.

DOUBT II. What is approval, and from whom is it obtained? page 369

542 What is approval?

543 Whether it is permissible for a simple priest to hear the confessions of venial sins.

Doubt 1. Whether a parish priest can admit another parish priest as a co-operator from another diocese. Doubt 2. Whether the same is permissible.

545 An approved priest, or a parish priest, must be chosen. Whether approval without examination, and without internal judgment, is sufficient.

546 Whether approval requested and denied is sufficient.

547 From which Bishop must approval be obtained?

548 The question is resolved based on the bull of Innocent XII.

549 Whether approved religious from one diocese can hear confessions in another. Volume IV, page 36.

[*Latin ed. p. 658*]

550 It is to be noted concerning Busemb.

554 Whether a revocation of an approval for a just cause is invalid.

552 Whether a Bishop, for a just cause, can again examine approved confessors, or revoke, or restrict the approval.

553 Established by Benedict XIV concerning the confession of a complice in a shameful sin.

554 What is meant by the term "shameful sin." Whether it refers to internal sins. Whether it refers to doubtful matters.

555 Whether the absolution given to a complice is invalid with regard to all sins.

556 Question 1. Does he incur a papal censure who hears the confession of a complice and does not absolve him?

Question 2. Can a Bishop, or his delegate, with the authority granted at Trent in chapter "Liceat," absolve a confessor who has given absolution to a complice in a shameful sin?

Doubt III. What is the extent of the jurisdiction of a confessor, and from where does he derive it? page 378

557 What is jurisdiction, and who possesses ordinary jurisdiction?

558 Does a Vicar General possess jurisdiction, even if the Bishop objects? And who can delegate it?

559 Does the delegation expire with the death of the delegating party?

560 Can heretics and excommunicated individuals be validly absolved in articulo mortis (at the point of death)?

564 Can all priests absolve, both in articulo mortis and in a situation of mortal danger? And what is considered to be such a danger?

562 Can a simple priest absolve, in the presence of an approved confessor?

563 In what cases can he licitly absolve?

Doubt I. Can any confessor absolve a dying person from reserved matters, even in the presence of a superior?

Doubt II. In the case of death, to absolve from matters reserved to the Pope, must the Bishop be sought out?

Doubt III. Is a dying person obligated to request absolution from a superior, at least by letter or messenger?

564 Can a tolerated excommunicated person absolve from venial sins? Can religious orders absolve without the approval of Bishops? And can all priests approved by the Bishop hear confessions without the permission of the parish priest?

565 Who and how can they choose a confessor?

Doubt I. How can Bishops and other prelates do so?

Doubt II. How can Cardinals do so? And can parish priests?

566 When can one who has delegated authority further delegate it? And what about a delegate to the university of causes?

567 Is someone absolved in articulo mortis from reserved matters obligated to afterwards present themselves to a superior?

568 See elsewhere.

[*Latin ed. p. 659*]

569 From what source may scholars, soldiers, pilgrims, etc., be absolved? Chaplains cannot absolve soldiers residing in fortifications.

570 Whether the presumed authority is sufficient to receive confessions.

574 When is it permissible to absolve with a doubtful, or probable, jurisdiction?

572 Q. I. Whether a common error invalidates jurisdiction.

573 Q. II. Whether it is permissible to administer the sacrament with only a probable jurisdiction.

574 Whether there is an obligation to confess to the parish priest.

575 Whether itinerant Regular clergy may confess to any priest.

576 Whether nuns requesting an extraordinary confession, and not obtaining it, may confess to anyone.

577 Several things to note concerning the confessors of nuns, and of soldiers in fortifications.

DOUBT IV. What is the reservation of cases, and who has the power to reserve, and to absolve from them? page 400

578 What is the reservation?

579 Q. I. Whether a reservation made without cause is lawful and valid.

580 Q. II. Whether those ignorant of papal reservations are excused.

581 Doubt I. Whether those ignorant of cases reserved by Bishops are excused.

Doubt II. What if an excommunication is attached to episcopal cases?

582 Doubt I. Whether venial sins can be reserved.

Doubt II. Whether purely internal sins can be reserved.

Doubt III. What if a sin is externally light, but internally grave?

583 Whether Regular clergy can reserve cases, and which ones. Whether novices and family members are exempt from reserved cases.

584 See what is stated in Busemb.

585 When can a simple confessor absolve from reserved cases?

Doubt I. Whether, if the impediment is perpetual, he can directly absolve.

Doubt II. Whether the penitent is then obligated to confess, in order to be able to receive Holy Communion. (Referring back to n. 265, Q. I.)

Doubt III. Whether he should then reveal even things not reserved. (Referring back to n. 265, Q. II.)

586 What if the superior denies the faculty to absolve?

587 From what source may pilgrims be absolved?

588 Doubt I. What if the sin is only reserved in the place of confession?

589 Doubt II. What if it is only reserved in the homeland? And what if someone departs from their homeland fraudulently? And how is "fraudulently" to be understood?

[*Latin ed. p. 660*]

590. Third Doubt. Whether a pilgrim can be absolved from a reserved case in his own country.

594. Fourth Doubt. Whether one who sins in a foreign diocese, where a reserved case exists, incurs the reservation, and whether he incurs excommunication attached.

592. Fifth Doubt. Whether one who sins in a exempt monastery, or in a foreign diocese, can be absolved in his own country by a simple confessor.

593. Sixth Doubt. Whether Bishops can absolve pilgrims from papal reserved cases, and grant them dispensation in irregularities. Whether Vicars Capitular, and other prelates having episcopal jurisdiction, have the same power.

Note 1. Whether Bishops can remove a reservation outside of the sacrament.

Note 2. What if a Bishop falls into a reserved crime?

Note 3. When is it understood that a crime is hidden? Whether a Bishop can grant dispensation in vows to pilgrims, and in irregularities, etc., with impeded persons.

594. Seventh Doubt. Whether the power mentioned in chapter [referring to a specific chapter, likely in a different work] is only for reserved cases before the Council.

Doubt VIII. Whether Bishops can absolve from reservations imposed by

other Bishops.

Doubt IX. Whether Bishops can generally delegate this power. Whether they can absolve from cases established by Bulls of Communion. (Reference to book 7, number 82, and following).

595. Whether a superior can ever absolve from reservations, and send the penitent to an inferior for penance.

596. Whether one absolved by one who has the power can receive absolution from anyone regarding reserved cases.

Question I. Whether, if a penitent confesses in good faith, or forgets a reserved case, he is validly and licitly absolved by a simple confessor.

597. Question II. Whether one confessed to a superior, and who has forgotten a reserved case, can be absolved by anyone.

598. Question III. Whether a confession that is invalidly made removes the reservation.

599. Question IV. What if the confession is sacrilegious?

Who can absolve from reservations? Are the Penitentiaries [referring to specific religious orders]? Can Mendicant orders absolve from cases reserved by Bishops, or by Bishops themselves?

600. Question I. Whether, in doubt, whether a penitent has incurred a reserved case, he can be absolved by anyone.

Question II. What if, later, the penitent recognizes the sin as certain?

604. Question III. Whether one who has sinned in reliance on a license.

Question IV. Whether the license is valid for sins committed even after it.

602. Question V. Whether nuns are subject to a reservation made by a Bishop.

Question VI. Whether exempt nuns are subject to it.

Question VII. Whether a Bishop can reserve cases for nuns regarding enclosure.

[*Latin ed. p. 661*]

Q. V. What is the office and obligation of the confessor? p. 427 603 What is the office of the confessor? When may or should the confessor defer the granting of absolution? (Referring to numbers 462 and following in *Rheims*). 604 Q. I. Can the confessor deny absolution to one who adheres to a probable opinion? What if he adheres to a false opinion, but considers it probable? 605 Q. II. Is it fitting for the confessor to use stricter or more lenient judgments? 606 Whom may the confessor absolve, and whom may he not absolve? 607 How is the confessor bound to question those who are less informed? 608 How should he instruct and prepare them, as much as possible? A warning to confessors. 609 How should he warn them of their obligations? 610 What if he foresees that the warning will be of no avail?

611 I. What if he discovers that the penitent has entered into a marriage invalidly, but in good faith? 612 What if the marriage is to be contracted? 613 What if the parties are present, and all is prepared? 614 II. Should he always warn about restitution that must be made? 615 III. What if there is fear of scandal to others? 615 Exception 4. When *Damme* is contrary to the common good. 616 Exception 2. When the penitent asks. Exception 3. When a benefit is expected soon. Whether, in a doubt about the benefit and the harm, a warning should be given. 617 The confessor who ministers must be in a state of grace. How does one sin who grants many absolutions successively in mortal matters? (Referring to book 2, number 50). 618 What if he only hears the confession in mortal matters? (Referring to this book, number 36). And what if there is an urgent need to grant absolution? (Referring to number 33, ibid.). 619 Q. I. How is the confessor bound to repair defects committed by himself? 620 Q. II. To what is he bound if he erred concerning the value of the sacrament? 621 Q. III. To what is he bound if he excused him from making restitution? And is he bound to make restitution if, knowing the error, he does not warn? What if he culpably excused him, when the penitent was disposed, and afterwards the penitent refuses to obey the warning? What if he simply omitted to warn? 622 Q. IV. Can he warn the penitent of these defects, without his permission, outside of confession? 623 What is the extent of the obligation of the confessor to hear penitents?

[*Latin ed. p. 662*]

624. Whether a confessor who is not a parish priest is bound, under pain of life, to absolve a dying penitent.

625. Whether it is safe for a simple priest in conscience to refuse to exercise the office of confessor, if the people are in grave spiritual necessity.

QUESTION VI. What knowledge and prudence are required in a confessor. page 455

326. Concerning the obligation to understand the sins of the penitent.

627. Concerning the knowledge of the confessor, necessary for forming a correct judgment about sins.

628. When may a confessor who is less suitable be excused? Are Regular priests bound to intervene in cases of conscience within their congregations?

629. Concerning the prudence of the confessor in making inquiries; and concerning the obligation to inquire about omitted sins.

630. What if it is known to him that the penitent committed a sin which he denies? And what if he learns of it from the confession of an accomplice?

634. These matters are discussed more fully.

632. Concerning inquiries regarding matters of chastity.

CHAPTER III. CONCERNING MATTERS RELATED TO PENANCE.

QUESTION I. What is the seal of confession, and who are bound by it? page 460

633. Whether, in this matter, it is permissible to use a probable opinion.

634. How must the seal be preserved?

635. How many sins are committed by one who violates the seal?

636. The obligation of the seal does not arise from a confession made, nor from a secret committed outside of confession.

637. I. What if the penitent departs without being properly disposed? II. What if there is doubt whether something was said within or in order to confession?

638. In what cases is the seal not broken?

639. Whether the confessor may and is bound to give to the penitent, either a written record of the confession made, or a record of the absolution received.

640. What falls under the seal? I. The sins of the penitent, even venial sins. II. The sins of an accomplice. Whether it is permissible to inquire about an accomplice. (Reference to n. 491.)

641. Question I. Whether it is permissible to warn an accomplice with the permission of the penitent. Question II. How does the object of a sin also fall under the seal? III. Does the penance imposed fall under the seal? IV. Do the circumstances of sins fall under the seal? Do virtues and revelations fall under the seal? Do the natural defects of the penitent fall under the seal?

[*Latin ed. p. 663*]

643 What if such defects are manifest of themselves, namely if the penitent is lame, deaf, etc.?

644 What if he is scrupulous? And what if the confessor discovers within the confession that the penitent is deaf?

645 Who are bound by the seal? I. The confessor.

646 How should the confessor respond, if asked, whether he has heard any sin, or whether he has absolved [the penitent]?

647 II. The superior requested for permission regarding a reserved sin. III. The interpreter. IV. He who hears the confession stealthily, or by chance, or out of necessity, for example, in a shipwreck, etc. V. He to whom a sacrilegious sin has been revealed. VI. A false confessor. VII. A doctor consulted. VIII. The writer of the confession. IX. He who reads a written confession. X. According to some, also the penitent, but this is unlikely.

648 The following questions are discussed: I. Is the doctor consulted by the confessor bound by the seal regarding the penitent's permission?

649 Q. II. Is he who is consulted by the penitent for the purpose of making

a confession bound by the seal?

650 Q. III. Is he who reads another's written confession bound by the seal?

654 How should the permission given by the penitent to speak be? It must be I. Expressed. II. Free. III. Not revoked. IV. It suffices if it is given verbally. V. Or if it is given by deed, namely, if the penitent begins to speak.

652 Can the confessor speak of sins with the penitent immediately after absolution? Can he warn the penitent of an error committed in the confession? (Reference to n. 622.)

653 Can he speak within the confession of things heard in another's confession?

654 Does the confessor break the seal by saying that he has heard of such a sin in some place?

Dub. I. Does he violate the seal by revealing the sins of a particular place?

Dub. II. What if he says that a religious of a certain convent, or order, has committed such a sin?

655 Is it permissible to use the knowledge of the confession for external governance?

656 Dub. I. Can the confessor, having heard the sin of a subordinate, remove him from office?

657 Dub. II. Can he deny suffrage to him whom, from the confession, he knows to be unworthy? And can he use some pretext for this? Can the confessor use the knowledge of the confession to protect his own possessions, or to exercise greater vigilance, or for other purposes?

658 Dub. III. Can he deny communion, or ordination, or assistance in marriage to a penitent dismissed without absolution?

659 Dub. IV. Can he use the knowledge of the confession to avoid traps laid for him? Can he conceal himself from the penitent, whom he perceives...

[*Latin ed. p. 664*]

Confessiones sometimes reveal greater sins than are apparent, even if others are unaware of the concealment. And whether one can be excused from attending a penitent who is terrified by external threats, if the confessor does not absolve him.

Doubt V. Can the sacraments be celebrated in a church of which the confessor becomes aware, through confession, that it is polluted?

Doubt VI. Is one obligated to continue confessing to someone whom one knows, through confession, is not a legitimate confessor?

The confessor is not obligated to heed every slight suspicion of others.

Doubt II. What is the precept, and what is the obligation of confession? page 486

Doubt 662. To whom, and when, does this precept apply? And how is the time for the annual confession calculated?

Doubt 663. Does the divine precept of confession apply outside of the article of death?

Doubt 664. How does the oath of physicians not to visit unconfessed sick persons apply?

Doubt 665. Who are obligated by the precept of confession?

Doubt 666. Are minors obligated? Can these be absolved if there is doubt about the use of reason? (Reference to n. 432.)

Doubt 667. Is one obligated to make an annual confession if one has only venial sins?

Doubt 668. Is one obligated to fulfill the precept as soon as possible if one has not yet done so?

Doubt 669. And whether, through a confession made in the following year, one fulfills the precept of the preceding year as well.

Doubt 670. Is there an obligation to confess to one's own pastor during Easter?

Doubt 674. Is one ever obligated to confess before the end of the year?

Doubt 672. Does one fulfill the precept through an invalid confession?

Doubt 673. Who are excused from this precept?

Doubt 674. Penalties for those who transgress this precept.

DISSERTATION.

Doubt 675. Concerning confessors who are overly zealous. page 493

§ I. The clauses in the aforementioned Bull of Gregory XV are examined. page 494

Doubt 676. Concerning clause I. In the actual sacramental act of confession.

Doubt 677. Concerning clause II. Before or after immediately.

Doubt 678. Concerning clause III. On the occasion, or pretext, of confession. What does "on the occasion of confession" mean?

Doubt I. Does denouncing...

[*Latin ed. p. 665*]

Those who solicit a woman who is asking for help, should be requested to hear her tomorrow. Doubt II. Whether one, having heard of a woman's weakness, subsequently solicits her at home. 679 What importance does it have, under the pretext of confession? And what if a woman, feigning illness, calls the confessor to her home in order to sin? 680 Concerning Clause IV. In the confessional, or in any place... pretending to hear confessions there. What importance does it have if they are pretending? And what if the confessor solicits in the confessional, without, however, pre-

tending to hear confessions? § II. Who are those who must be reported? page 499 684 Question I. Must the confessor who consents to the woman's solicitation be reported? 682 Question II. Must the confessor, who, being solicited for copulation, turns to improper touches? 683 Question III. Is the confessor who solicits for acts that are only venially dishonest, to be reported? 684 Question IV. Is the confessor who solicits for non-shameful sins, to be reported? 685 Question V. Must Bishops who solicit be reported? 686 Question VI. Must the confessor who solicits be reported, if he has been reformed? 687 Question VII. Must he who has already been convicted and punished for solicitation, be reported? Question VIII. Must he who consents to the woman's solicitation, so that he is not accused by her, be reported? Question IX. Must he who pretends to hear confessions, in order to engage in dishonest acts, be reported? 688 Question X. Must a layperson, or a cleric, who solicits in confession, pretending to be a confessor, be reported? And what if he is a priest, but lacks jurisdiction? 689 Question XI. Must a penitent who solicits the confessor be reported? 690 Question XII. Must an interpreter who solicits a penitent be reported? 691 Question XIII. Must a confessor who solicits a woman, in order to induce another to sin with her, or in order that she herself sin with another, be reported? 692 Question XIV. Must a confessor who solicits, after his death, be reported? § III. Who are those who are obligated to report? page 507 693 Can a woman who has been solicited be absolved, before she reports it? And after the report has been made, can any confessor absolve her?

[*Latin ed. p. 666*]

Concerning excommunication incurred due to neglected denunciation. 694. Does the confessor always have the obligation to warn about the obligation of denouncing? 695. Q. I. Are those obligated to denounce who cannot prove the denunciation? And those who know of the solicitation from another source? 996. Q. II. Is there an obligation to denounce if the crime is hidden? 697. Q. III. If the solicitation has been ongoing for a long time? 698. Q. IV. Is one obligated to denounce if he knows of a solicitation under a decree? 699. Q. V. Is there an obligation to denounce by letter, or by messenger? And is the confessor ever obligated to receive or deliver the denunciation? 700. Q. VI. Is a woman who consents to the solicitation obligated to denounce? 704. Q. VII. Is there an obligation to denounce if it is hoped that the solicitator will be reformed through correction? § IV. Concerning doubtful solicitations. page 513. 702. Q. I. Is the confessor to be denounced if there is doubt as to whether he has truly solicited? What if vehement indications of solicitation are added? 703. Q. II. Is the confessor to be denounced who praises a woman for her beauty? Or who gives her a large gift? 704. Various particular cases of solicitation are explained. 705. Concerning the penalties for solicitators, and especially concerning the penalty of suspension from celebrating the sacraments; and whether this

penalty is incurred before a sentence. And whether those who are ignorant are excused from it. And whether Bishops can grant a dispensation in this matter. TRACTATE V. CONCERNING EXTREME UNCTION AND HOLY ORDERS. CHAPTER I. What is Extreme Unction, and what are the things to be observed concerning it? page 517. 706. What is this sacrament? And was it instituted by Christ? 707. Q. I. Is a partial grace conferred through any unction? Q. II. Is grace conferred, even if an obstacle remains? 708. Concerning the material of this sacrament. Does the precept of renewing the oil annually impose a serious obligation? And can something that is not blessed be added to blessed oil?

[*Latin ed. p. 667*]

709 The oil must be of olives, and it must be blessed. Question I. Is the blessing necessary for the sacrament? Question II. Must it be blessed precisely for the purpose of Extreme Unction? Question III. Can this blessing be conferred by the Pope upon a simple priest? Question IV. Is it sufficient to anoint with a single drop of oil?

710 Concerning the proximate matter. Is the anointing of the five senses a necessary part of the sacrament? Is the double anointing of the eyes, etc., necessary? And is the anointing of the kidneys and feet necessary? Is the order of the anointings a necessary element? And what pertains to the essence of this sacrament?

714 Concerning the form. Question I. Must the form be entirely deprecatory? Question II. Are the words: "Through His most pious mercy," essential? Question III. Is the form valid by saying: "I anoint you," etc.?

712 To whom should Extreme Unction be administered?

713 Question I. Is it validly administered to a healthy person? Question II. Is it administered to a person suffering from any illness? Question III. Is it administered to a woman in labor?

714 Question IV. Is it licitly administered to someone who is only considered to be in danger? Admonition 1. The final part of life should not be awaited. Admonition 2. It is not licitly administered unless the danger of imminent death is present. In case of doubt, does the danger of death persist?

715 Question V. Can this sacrament be repeated in the same infirmity?

716 What disposition is required in the recipient? And is Extreme Unction to be given after Viaticum?

747 Should it be administered to children?

748 Question I. Are infants capable of this sacrament?

749 Question II. Should it be given to children about whose use of reason there is doubt?

720 Question III. Can it be given to a child who is of the age of reason, but not yet fit for Communion?

721 Question IV. Can it be given to an adult who is infirm immediately after baptism?

722 Concerning the minister of this sacrament. Can any priest administer it, with the presumed consent of the parish priest? What has been decreed concerning religious orders?

723 What if the pastor is absent, or refuses to administer it? And what if he is excommunicated, or suspended?

724 Is it licit to administer this sacrament without a minister? And can one person anoint one part, and another person anoint another part? Can only a priest administer it? What if the minister fails in the midst of the anointings?

725 Does the priest incur irregularity if the sick person dies while he is anointing him, etc.?

[*Latin ed. p. 668*]

726 Concerning the administration of this sacrament. Whether it is ever permissible to administer it without sacred vestments.

727 What sin is it to omit prayers, or other devotions.

728 What is it to bring the oil without a light. And what is it to omit the sign of the cross. And whether it is permissible for a priest to bring the oil together with Holy Communion.

729 Whether the pastor is obliged to administer this sacrament to those who request it, and whether it is done in danger of death. Whether other priests are obliged to administer it.

730 Whether it is permissible for a parish priest to keep the oil at home.

731 Concerning the effects of this sacrament. Whether mortal sins are remitted by Extreme Unction. And whether its principal effect is the remission of sins, or the remission of the temporal punishment of sin.

732 Concerning the subject of this sacrament. Whether the dying are capable of receiving it. Whether the intoxicated are capable. Whether the impenitent, excommunicated, and those wounded in the flesh are capable. Whether those laboring with phrenzy are capable. Whether the mute, deaf, and blind from birth are capable.

733 Whether it is a grave sin for one to neglect to receive this sacrament.

CHAPTER II. CONCERNING THE SACRAMENT OF HOLY ORDERS.

QUESTION I. What is Holy Orders, how many are there, and what is its matter? page 540

734 What is the Sacrament of Holy Orders, and how many Orders are there? And whether the first tonsure is an Order.

735 What is ordination, and what is an Order? And what are the effects

of Holy Orders? Definition of each Order.

736 Whether each of the seven Orders is a sacrament.

737 The author's opinion.

738 Whether the Episcopate is a distinct Order from the priesthood.

739 What is the remote and proximate matter of this sacrament.

740 Question I. Whether the matter and form of Holy Orders are determined by Christ in a specific way. (Reference to n. 12 concerning the Sacraments.)

741 Question II. Whether a Latin is validly ordained by the matter assigned to the Greek rite.

742 Question III. Whether the contact of instruments is required.

743 Question IV. Whether physical contact is required.

744 Whether the form must be pronounced by the same Bishop, and the matter delivered by him. And whether the Mass must be celebrated by the same one who confers the Orders.

745 Concerning the matter of each Order. Whether the matter of the acolyte is the delivery of the cruets, or the candlestick.

746 Question I. What is the matter and form of the subdiaconate? Question 1. Whether it is the chalice with the paten, or the book of Epistles.

747 Question II. Whether the chalice and paten must be consecrated. And whether it is sinful...

[*Latin ed. p. 669*]

The subdeacon gravely ministers in the sacred rites. (Reference to number 38.)

748 Question II. What is the matter and form of the diaconate?

749 Question III. What is the matter and form of the priesthood?

750 Doubt I. Is it required for the validity of either species, namely wine and the host?

751 Doubt II. Is valid ordination conferred upon one who touches the host, and not the paten?

752 Doubt III. Is valid ordination conferred upon one who touches the chalice and the paten, but not the host?

753 Doubt IV. Is valid ordination conferred upon one who touches only the chalice, but not the paten?

A cleric exercising the office of a higher order which he does not possess, incurs irregularity. What if it is concealed? (Reference to number 446.)

755 Concerning the ordination of Bishops. And is the assistance of three Bishops required for validity?

756 Can a Bishop confer the first tonsure outside of his diocese?

757 What is to be done in the case of doubt, whether the order has been

conferred?

758 How are defects committed in ordination to be remedied?

759 And whether these remedies are to be applied within the time prescribed for ordinations.

760 Who can a Bishop ordain?

764 Who is the minister of ordination?

762 Question I. Can any priest be a minister, by the concession of the Pope? And also for conferring the priesthood? And also for conferring the diaconate, and the subdiaconate?

763 Question II. Can Abbots confer the tonsure, and the minor orders, or grant letters of dispensation to their non-religious subjects?

764 Doubt I. Can they confer orders upon their novices?

765 And whether novices ought to be ordained by the Bishop of the place of their novitiate, etc.

766 Doubt II. Do Abbots validly ordain those who are not their subjects?

767 Does one who confers the minor orders in the sacred rites gravely sin?

768 By which Bishop ought Regulars to be ordained?

769 The ordination of secular clergy ought to be performed by their own Bishop, otherwise, etc.

770 Several things are to be noted from the Bull *Speculatores*.

771 What if someone has their origin in one diocese, their domicile in another, and a benefice in a third?

772 What if someone is born somewhere by chance?

773 What if someone has different domiciles?

774 When can someone be ordained by the Bishop of a benefice?

775 Doubt I. Can the Bishop of a benefice dispense in cases of impediment?

776 Doubt II. Is it licit for a Bishop to ordain one to whom he confers a benefice, so that he may be able to ordain him?

777 What if someone holds benefices in different dioceses? And whether students establish a domicile.

[*Latin ed. p. 670*]

778 What is required in order for someone to be ordained according to the law of domicile?

779 Do barons, and their sons, enjoy the right of domicile pertaining to their feudal holdings? Do officials enjoy the domicile of the place where they reside?

780 How can someone be ordained according to the law of familiarity? And can servants of servants be ordained under this title? QUESTION II.

What is required for ordination. page 568

784 Who are validly or invalidly ordained?

782 Are infants validly ordained?

783 What is required for someone to be validly ordained?

784 I. That he be a traveler, not a neophyte, not infamous, not a hermaphrodite, not irregular, etc. But do those who are irregular remain so after ordination? Regarding this, see the questions.

785 II. The intention of becoming a cleric. QUESTION I. Does one sin by receiving ordination, if he does not intend to advance to a higher order? QUESTION II. Does a cleric sin if, while still a cleric, he takes a wife? QUESTION III. Does one sin by receiving tonsure in order to avoid military service?

786 III. That he be confirmed.

787 IV. That he have letters of dispensation.

Note 1. Bishops are regularly bound to ordain themselves.

Note 2. A license granted does not expire with the death of the one who granted it.

Note 3. A confirmed bishop can grant letters of dispensation, but not one who is suspended, etc.

Note 4. A bishop can grant these even while residing in another diocese.

Note 5. However, a Vicar General cannot.

Note 6. What about the chapter when the See is vacant?

Note 7. What about Abbots?

Note 8. From whom must one obtain letters of dispensation for regular orders?

Note 9. What if the Pope grants a license with the condition that someone be ordained only by his own Ordinary?

Note 10. Can a bishop ordain someone who has letters of dispensation?

Note 11. Must the ordination be performed by a specifically designated bishop?

Note 12. Is a verbal license sufficient?

789 QUESTION I. Can a bishop ordain a foreigner under the expectation of ratification? QUESTION II. Can a bishop who is ordaining dispense for a foreigner regarding irregularities, etc.?

790 V. Examination of knowledge, according to the quality of the order being received.

794 QUESTION I. What must a priest know, especially concerning the sacrament of penance?

QUESTION II. Are the illiterate irregular?

QUESTION III. Is less knowledge required in regular orders?

792 What else should be noted regarding the examination?

VI. The title of sustentation, concerning which see below, number 843.

793 VII. That the orders be received gradually.

794 VIII. That the orders be received at the proper time. Whether it is permissible to ordain more than two minors in a feudal holding.

[*Latin ed. p. 671*]

795 IX. Concerning the Observance of Intervals.

796 Does one incur suspension who receives two sacred orders on the same day? What if he receives one on Saturday and the other on Sunday?

Question I. Is this suspension of perpetual force?

Question II. Does one incur suspension who receives two sacred orders without observing the prescribed intervals?

797 Is it permissible to receive the four minor orders together with the subdiaconate on the same day?

Question I. Does a contrary custom excuse this?

Question II. Does one thus ordained incur suspension?

Question III. Can Regular clergy be ordained outside of the customary times?

Question IV. Can they then be ordained on any double feast day? What about those who are initiated on three festive days?

798 X. To ensure that due respect is given, and that the Bishop remains in his own diocese.

799 XI. The proper age; otherwise, suspension is incurred.

Question I. Does one incur suspension who is ordained before the required age due to crass ignorance?

Question II. Can one who is ordained in bad faith before the required age, after reaching that age, exercise the order?

Question III. Does one incur irregularity by receiving the priesthood before the required age? Does one incur irregularity who is ordained without being subject to ecclesiastical censure?

800 How is age to be calculated?

Question I. Can one be ordained in the morning who completes his age in the evening?

Question II. Is the leap year to be counted?

804 XII. The exercise of the received order.

XIII. The reception of the Eucharist.

XIV. The probity of life.

802 XV. Divine vocation. What are its signs?

803 Does one sin gravely who is ordained without a vocation? Does the Bishop who ordains him sin?

804 This vocation is all the more necessary for the episcopate and for receiving a parish.

805 What are the duties of the ordained?

I. Concerning the obligation of celibacy. page 597

806 How is this obligation proven?

Question I. Is it of divine law?

Question II. Is it by the precept of the Church, or by a vow?

Question I. Is one ignorant of such a vow bound to observe chastity?

Question II. Is one who expressly vows chastity bound?

810 What if someone is ordained before the use of reason? And what if before puberty?

814 What if someone is ordained out of fear?

[*Latin ed. p. 672*]

812. Question III. How can a man, being married under a valid marriage, be ordained?

Doubt I. Is the wife of such a man obligated to profess the religious faith?

Doubt II. Can such a wife marry again?

§ II. Concerning the obligation of having a title (of benefice or property). page 602

843. Penalty for those who transgress.

844. Concerning the title of poverty.

845. Concerning the title of benefice.

Note 1. According to which diocese should the assessment be made to determine the sufficiency of a benefice?

Note 2. What if the deficiency is slight?

Note 3. What is included under the name of a benefice; are stipends for Masses included?

846. Is a benefice promised for the future sufficient?

847. Concerning the title of patrimony (inheritance).

848. Question I. Can someone be ordained for the title of his own industry (i.e., secular profession)?

849. Question II. Is a father obligated to assign a portion of his patrimony to a son who wishes to be ordained?

820. Question III. Does one incur suspension who is ordained without a title?

821. Doubt I. Does one who is ordained with a fictitious patrimony incur any penalty?

822. Doubt II. Does one who is ordained, having given his word to return something to the donor, incur any penalty?

823. Doubt III. Does one who, after being ordained a deacon, renounce what he gave to the donor, incur any penalty?

824. Doubt IV. Can an ordained man renounce his patrimony if he has support from elsewhere?

§ III. Concerning the obligation of wearing the habit and tonsure. page 641

825. Question I. Do clerics who do not wear the habit commit a grave sin?

826. Question II. Do those who do not wear the tonsure commit a grave sin?

827. When do those who are dismissed for not wearing the habit and tonsure lose the privileges of the forum and canon law?

828. To what extent are priests bound by the obedience they promise to the Bishop? Can they enter a religious order if the Bishop objects?

819. What is the obligation concerning the Masses and prayers that are imposed upon the ordained by the Bishop?

830. Concerning the statutes in the concordat of our kingdom.